involuntarily obtains ownership or control of property by virtue of its function as sovereign;

(2) Acquisitions by or transfers to a government entity or its agent (including governmental lending and credit institutions, loan guarantors, loan insurers, and financial regulatory entities which acquire security interests or properties of failed private lending or depository institutions) acting as a conservator or receiver pursuant to a clear and direct statutory mandate or regulatory authority;

(3) Acquisitions or transfers of assets through foreclosure and its equivalents (as defined in 40 CFR 300.1100(d)(1)) or other means by a Federal, state, or local government entity in the course of administering a governmental loan or loan guarantee or loan insurance program; and

(4) Acquisitions by or transfers to a government entity pursuant to seizure or forfeiture authority.

(b) Nothing in this section or in CERCLA section 101(20)(D) or section 101(35)(A)(ii) affects the applicability of 40 CFR 300.1100 to any security interest, property, or asset acquired pursuant to an involuntary acquisition or transfer, as described in this section.

NOTE TO PARAGRAPHS (a)(3) AND (b OF THIS SECTION: Reference to 40 CFR 300.1100 is a reference to the provisions regarding secured creditors in CERCLA sections 101(20)(E)–(G), 42 U.S.C. 9601(20)(E)–(G). *See* Section 2504(a) of the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act, Public Law, 104–208, 110 Stat. 3009–462, 3009–468 (1996).

APPENDIX A TO PART 300—THE HAZARD RANKING SYSTEM

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1.0 Introduction

The Hazard Ranking System (HRS) is the principal mechanism the U.S. Environmental Protection Agency (EPA) uses to place sites on the National Priorities List (NPL). The HRS serves as a screening device to evaluate the potential for releases of uncontrolled hazardous substances to cause human health or environmental damage. The HRS provides a measure of relative rather than absolute risk. It is designed so that it can be consistently applied to a wide variety of sites.

1.1 Definitions

Acute toxicity: Measure of toxicological responses that result from a single exposure to a substance or from multiple exposures within a short period of time (typically several days or less). Specific measures of acute toxicity used within the HRS include lethal $dose_{50}$ (LD_{50}) and lethal $concentration_{50}$ (LC_{50}), typically measured within a 24-hour to 96-hour period.

Ambient Aquatic Life Advisory Concentrations (AALACs): EPA's advisory concentration limit for acute or chronic toxicity to aquatic organisms as established under section 304(a)(1) of the Clean Water Act, as amended.

Ambient Water Quality Criteria (AWQC)/National Recommended Water Quality Criteria: EPA's maximum acute (Criteria Maximum Concentration or CMC) or chronic (Criterion Continuous Concentration or CCC) toxicity concentrations for protection of aquatic life and its uses as established under section 304(a)(1) of the Clean Water Act, as amended.

Bioconcentration factor (BCF): Measure of the tendency for a substance to accumulate in the tissue of an aquatic organism. BCF is determined by the extent of partitioning of a substance, at equilibrium, between the tissue of an aquatic organism and water. As the ratio of concentration of a substance in the organism divided by the concentration in water, higher BCF values reflect a tendency for substances to accumulate in the tissue of aquatic organisms. [unitless].

Biodegradation: Chemical reaction of a substance induced by enzymatic activity of microorganisms.

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (Pub. L. 96–510, as amended).

Channelized flow: Natural geological or manmade features such as karst, fractures, lava tubes, and utility conduits (*e.g.*, sewer lines), which allow ground water and/or soil gas to move through the subsurface environment more easily.

Chronic toxicity: Measure of toxicological responses that result from repeated exposure to a substance over an extended period of time (typically 3 months or longer). Such responses may persist beyond the exposure or may not appear until much later in time than the exposure. HRS measures of chronic toxicity include Reference Dose (RfD) and Reference Concentration (RfC) values.

Contract Laboratory Program (CLP): Analytical program developed for CERCLA waste site samples to fill the need for legally defensible analytical results supported by a high level of quality assurance and documentation.

Contract-Required Detection Limit (CRDL): Term equivalent to contract-required quantitation limit, but used primarily for inorganic substances.

Contract-Required Quantitation Limit (CRQL): Substance-specific level that a CLP laboratory must be able to routinely and reliably detect in specific sample matrices. It is not the lowest detectable level achievable, but rather the level that a CLP laboratory should reasonably quantify. The CRQL may or may not be equal to the quantitation limit of a given substance in a given sample. For HRS purposes, the term CRQL refers to both the contract-required quantitation limit and the contract-required detection limit.

Crawl space: The enclosed or semi-enclosed area between a regularly occupied structure's foundation (*e.g.*, pier and beam construction) and the ground surface. Crawl space samples are collected to determine the concentration of hazardous substances in the air beneath a regularly occupied structure.

Curie (Ci): Measure used to quantify the amount of radioactivity. One curie equals 37 billion nuclear transformations per second, and one picocurie (pCi) equals 10^{-12} Ci.

Decay product: Isotope formed by the radioactive decay of some other isotope. This newly formed isotope possesses physical and chemical properties that are different from those of its parent isotope, and may also be radioactive.

Detection Limit (DL): Lowest amount that can be distinguished from the normal random "noise" of an analytical instrument or method. For HRS purposes, the detection limit used is the method detection limit (MDL) or, for real-time field instruments, the detection limit of the instrument as used in the field.

Dilution weight: Parameter in the HRS surface water migration pathway that reduces the point value assigned to targets as the flow or depth of the relevant surface water body increases. [unitless].

Distance weight: Parameter in the HRS air migration pathway, ground water migration pathway, and the soil exposure component of the soil exposure and subsurface intrusion pathway that reduces the point value assigned to targets as their distance increases from the site. *[unitless].*

Distribution coefficient (K_d): Measure of the extent of partitioning of a substance between geologic materials (for example, soil, sediment, rock) and water (also called partition coefficient). The distribution coefficient is used in the HRS in evaluating the mobility of a substance for the ground water migration pathway. [ml/g].

ED_{10} (10 percent effective dose): Estimated dose associated with a 10 percent increase in response over control groups. For HRS purposes, the response considered is cancer. [milligrams toxicant per kilogram body weight per day (mg/kg-day)].

Food and Drug Administration Action Level (FDAAL): Under section 408 of the Federal Food, Drug and Cosmetic Act, as amended, concentration of a poisonous or deleterious substance in human food or animal feed at or above which FDA will take legal action to remove adulterated products from the market. Only FDAALs established for fish and shellfish apply in the HRS.

Half-life: Length of time required for an initial concentration of a substance to be halved as a result of loss through decay. The HRS considers five decay processes for assigning surface water persistence: Biodegradation, hydrolysis, photolysis, radioactive decay, and volatilization. The HRS considers two decay processes for assigning subsurface intrusion degradation: Biodegradation and hydrolysis.

Hazardous substance: CERCLA hazardous substances, pollutants, and contaminants as defined in CERCLA sections 101(14) and 101(33), except where otherwise specifically noted in the HRS.

Hazardous wastestream: Material containing CERCLA hazardous substances (as defined in CERCLA section 101[14]) that was deposited, stored, disposed, or placed in, or that otherwise migrated to, a source.

HRS *"factor":* Primary rating elements internal to the HRS.

HRS *"factor category":* Set of HRS factors (that is, likelihood of release [or exposure], waste characteristics, targets).

HRS *"migration pathways":* HRS ground water, surface water, and air migration pathways.

HRS *"pathway":* Set of HRS factor categories combined to produce a score to measure relative risks posed by a site in one of four environmental pathways (that is, ground water, surface water, soil exposure and subsurface intrusion, and air).

HRS *"site score":* Composite of the four HRS pathway scores.

Henry's law constant: Measure of the volatility of a substance in a dilute solution of water at equilibrium. It is the ratio of the vapor pressure exerted by a substance in the gas phase over a dilute aqueous solution of that substance to its concentration in the solution at a given temperature. For HRS purposes, use the value reported at or near 25 °C. [atmosphere-cubic meters per mole (atm-m^3/mol)].

Hydrolysis: Chemical reaction of a substance with water.

Indoor air: The air present within a structure.

Inhalation Unit Risk (IUR): The upper-bound excess lifetime cancer risk estimated to result from continuous exposure to an agent (*i.e.,* hazardous substance) at a concentration of 1μg/m^3 in air.

Karst: Terrain with characteristics of relief and drainage arising from a high degree of rock solubility in natural waters. The majority of karst occurs in limestones, but karst may also form in dolomite, gypsum, and salt deposits. Features associated with karst terrains typically include irregular topography, sinkholes, vertical shafts, abrupt ridges, caverns, abundant springs, and/or disappearing streams. Karst aquifers are associated with karst terrain.

LC_{50} (lethal concentration, 50 percent): Concentration of a substance in air [typically micrograms per cubic meter (μg/m^3)] or water [typically micrograms per liter (μg/l)] that kills 50 percent of a group of exposed organisms. The LC_{50} is used in the HRS in assessing acute toxicity.

LD_{50} (lethal dose, 50 percent): Dose of a substance that kills 50 percent of a group of exposed organisms. The LD_{50} is used in the HRS in assessing acute toxicity [milligrams toxicant per kilogram body weight (mg/kg)].

Maximum Contaminant Level (MCL): Under section 1412 of the Safe Drinking Water Act, as amended, the maximum permissible concentration of a substance in water that is delivered to any user of a public water supply.

Maximum Contaminant Level Goal (MCLG): Under section 1412 of the Safe Drinking Water Act, as amended, a nonenforceable concentration for a substance in drinking water that is protective of adverse human health effects and allows an adequate margin of safety.

Method Detection Limit (MDL): Lowest concentration of analyte that a method can detect reliably in either a sample or blank.

Mixed radioactive and other hazardous substances: Material containing both radioactive hazardous substances and nonradioactive hazardous substances, regardless of whether these types of substances are physically separated, combined chemically, or simply mixed together.

National Ambient Air Quality Standards (NAAQS): Primary standards for air quality established under sections 108 and 109 of the Clean Air Act, as amended.

National Emission Standards for Hazardous Air Pollutants (NESHAPs): Standards established for substances listed under section 112 of the Clean Air Act, as amended. Only those NESHAPs promulgated in ambient concentration units apply in the HRS.

Non-Aqueous Phase Liquid (NAPL): Contaminants and substances that are water-immiscible liquids composed of constituents with varying degrees of water solubility.

Octanol-water partition coefficient (K_{ow} [or P]): Measure of the extent of partitioning of a substance between water and octanol at equilibrium. The K_{ow} is determined by the ratio between the concentration in octanol divided by the concentration in water at equilibrium. [unitless].

Organic carbon partition coefficient (K_{oc}): Measure of the extent of partitioning of a substance, at equilibrium, between organic carbon in geologic materials and water. The higher the K_{oc}, the more likely a substance is to bind to geologic materials than to remain in water. [ml/g].

Photolysis: Chemical reaction of a substance caused by direct absorption of solar energy (direct photolysis) or caused by other substances that absorb solar energy (indirect photolysis).

Preferential subsurface intrusion pathways: Subsurface features such as animal burrows, cracks in walls, spaces around utility lines, or drains through which a hazardous substance moves more easily into a regularly occupied structure.

Radiation: Particles (alpha, beta, neutrons) or photons (x- and gamma-rays) emitted by radionuclides.

Radioactive decay: Process of spontaneous nuclear transformation, whereby an isotope of one element is transformed into an isotope of another element, releasing excess energy in the form of radiation.

Radioactive half-life: Time required for one-half the atoms in a given quantity of a specific radionuclide to undergo radioactive decay.

Radioactive substance: Solid, liquid, or gas containing atoms of a single radionuclide or multiple radionuclides.

Radioactivity: Property of those isotopes of elements that exhibit radioactive decay and emit radiation.

Radionuclide/radioisotope: Isotope of an element exhibiting radioactivity. For HRS purposes, "radionuclide" and "radioisotope" are used synonymously.

Reference concentration (RfC): An estimate of a continuous inhalation exposure to the human population that is likely to be without an appreciable risk of deleterious effects during a lifetime.

Reference dose (RfD): An estimate of a daily oral exposure to the human population that is likely to be without an appreciable risk of deleterious effects during a lifetime.

Regularly occupied structures: Structures with enclosed air space, where people either reside, attend school or day care, or work on a regular basis, or that were previously occupied but vacated due to a site-related hazardous substance(s). This also includes resource structures (*e.g.*, library, church, tribal structure).

Removal action: Action that removes hazardous substances from the site for proper disposal or destruction in a facility permitted under the Resource Conservation and Recovery Act or the Toxic Substances Control Act or by the Nuclear Regulatory Commission.

Roentgen (R): Measure of external exposures to ionizing radiation. One roentgen equals that amount of x-ray or gamma radiation required to produce ions carrying a charge of 1 electrostatic unit (esu) in 1 cubic centimeter of dry air under standard conditions. One microroentgen (μR) equals 10^{-6} R.

Sample quantitation limit (SQL): Quantity of a substance that can be reasonably quantified given the limits of detection for the methods of analysis and sample characteristics that may affect quantitation (for example, dilution, concentration).

Screening concentration: Media-specific benchmark concentration for a hazardous substance that is used in the HRS for comparison with the concentration of that hazardous substance in a sample from that media. The screening concentration for a specific hazardous substance corresponds to its reference concentration for inhalation exposures or reference dose for oral exposures, as appropriate, and, if the substance is a human carcinogen with either a weight-of-evidence classification of A, B, or C, or a weight-of-evidence classification of carcinogenic to humans, likely to be carcinogenic to humans or suggestive evidence of carcinogenic potential, to that concentration that corresponds to its 10^{-6} individual lifetime excess cancer risk for inhalation exposures or for oral exposures, as appropriate.

Shallow ground water: The uppermost saturated zone, typically unconfined.

Site: Area(s) where a hazardous substance has been deposited, stored, disposed, or placed, or has otherwise come to be located. Such areas may include multiple sources and may include the area between sources.

Slope factor (also referred to as cancer potency factor): Estimate of the probability of response (for example, cancer) per unit intake of a substance over a lifetime. The slope factor is typically used to estimate upper-bound probability of an individual developing cancer as a result of exposure to a particular level of a human carcinogen with either a weight-of-evidence classification of A, B, or C, or a weight-of-evidence classification of carcinogenic to humans, likely to be carcinogenic to humans or having suggestive evidence of carcinogenic potential. [$(mg/kg\text{-}day)^{-1}$ for non-radioactive substances and $(pCi)^{-1}$ for radioactive substances].

Soil gas: The gaseous elements and compounds in the small spaces between particles of soil.

Soil porosity: The degree to which the total volume of soil is permeated with pores or cavities through which fluids (including air or gas) can move. It is typically calculated as the ratio of the pore spaces within the soil to the overall volume of the soil.

Source: Any area where a hazardous substance has been deposited, stored, disposed, or placed, plus those soils that have become contaminated from migration of a hazardous substance. Sources do not include those volumes of air, ground water, surface water, or surface water sediments that have become contaminated by migration, except: In the case of either a ground water plume with no identified source or contaminated surface water sediments with no identified source, the plume or contaminated sediments may be considered a source.

Subslab: The area immediately beneath a regularly occupied structure with a basement foundation or a slab-on-grade foundation. Subslab samples are collected to determine the concentration of hazardous substances in the soil gas beneath a home or building.

Subsurface intrusion: The migration of hazardous substances from the unsaturated zone and/or ground water into overlying structures.

Target distance limit: Maximum distance over which targets for the site are evaluated. The target distance limit varies by HRS pathway.

Unit risk: The upper-bound excess lifetime cancer risk estimated to result from continuous exposure to an agent (*i.e.*, hazardous substance) at a concentration of 1 μg/L in water, or 1 μg/m³ in air.

Unsaturated zone: The portion of subsurface between the land surface and the zone of saturation. It extends from the ground surface to the top of the shallowest ground water table (excluding localized or perched water).

Uranium Mill Tailings Radiation Control Act (UMTRCA) Standards: Standards for radionuclides established under sections 102, 104, and 108 of the Uranium Mill Tailings Radiation Control Act, as amended.

Vapor pressure: Pressure exerted by the vapor of a substance when it is in equilibrium with its solid or liquid form at a given temperature. For HRS purposes, use the value reported at or near 25 °C. [atmosphere or torr].

Volatilization: Physical transfer process through which a substance undergoes a change of state from a solid or liquid to a gas.

Water solubility: Maximum concentration of a substance in pure water at a given temperature. For HRS purposes, use the value reported at or near 25 °C. [milligrams per liter (mg/l)].

Weight-of-evidence: EPA classification system for characterizing the evidence supporting the designation of a substance as a human carcinogen. The EPA weight-of-evidence, depending on the date EPA updated the profile, includes either the groupings:

- Group A: Human carcinogen—sufficient evidence of carcinogenicity in humans.
- Group B1: Probable human carcinogen—limited evidence of carcinogenicity in humans.
- Group B2: Probable human carcinogen—sufficient evidence of carcinogenicity in animals.
- Group C: Possible human carcinogen—limited evidence of carcinogenicity in animals.
- Group D: Not classifiable as to human carcinogenicity—applicable when there is no animal evidence, or when human or animal evidence is inadequate.
- Group E: Evidence of noncarcinogenicity for humans.

Or the descriptors:

- Carcinogenic to humans.
- Likely to be carcinogenic to humans.
- Suggestive evidence of carcinogenic potential.
- Inadequate information to assess carcinogenic potential.
- Not likely to be carcinogenic to humans.

2.0 EVALUATIONS COMMON TO MULTIPLE PATHWAYS

2.1 *Overview.* The HRS site score (S) is the result of an evaluation of four pathways:

- Ground Water Migration (S_{gw}).
- Surface Water Migration (S_{sw}).
- Soil Exposure and Subsurface Intrusion (S_{sessi}).

• Air Migration (S_a).

The ground water and air migration pathways use single threat evaluations, while the surface water migration and soil exposure and subsurface intrusion pathways use multiple threat evaluations. Three threats are evaluated for the surface water migration pathway: Drinking water, human food chain, and environmental. These threats are evaluated for two separate migration components—overland/flood migration and ground water to surface water migration. Two components are evaluated for the soil exposure and subsurface intrusion pathway: Soil exposure and subsurface intrusion. The soil exposure component evaluates two threats: Resident population and nearby population, and the subsurface intrusion component is a single threat evaluation.

The HRS is structured to provide a parallel evaluation for each of these pathways, components, and threats. This section focuses on these parallel evaluations, starting with the calculation of the HRS site score and the individual pathway scores.

2.1.1 *Calculation of HRS site score.* Scores are first calculated for the individual pathways as specified in sections 2 through 7 and then are combined for the site using the following root-mean-square equation to determine the overall HRS site score, which ranges from 0 to 100:

$$S = \sqrt{\frac{S_{gw}^2 + S_{sw}^2 + S_{sessi}^2 + S_a^2}{4}}$$

2.1.2 *Calculation of pathway score.* Table 2–1, which is based on the air migration pathway, illustrates the basic parameters used to calculate a pathway score. As Table 2–1 shows, each pathway (component or threat) score is the product of three "factor categories": Likelihood of release, waste characteristics, and targets. (The soil exposure and subsurface intrusion pathway uses likelihood of exposure rather than likelihood of release.) Each of the three factor categories contains a set of factors that are assigned numerical values and combined as specified in sections 2 through 7. The factor values are rounded to the nearest integer, except where otherwise noted.

2.1.3 *Common evaluations.* Evaluations common to all four HRS pathways include:

• Characterizing sources.
  —Identifying sources (and, for the soil exposure and subsurface intrusion pathway, areas of observed contamination, areas of observed exposure and/or areas of subsurface contamination [see sections 5.1.0 and 5.2.0]).
  —Identifying hazardous substances associated with each source (or area of observed contamination, or observed exposure, or subsurface contamination).
  —Identifying hazardous substances available to a pathway.

TABLE 2–1—SAMPLE PATHWAY SCORESHEET

Factor category	Maximum value	Value assigned
Likelihood of Release		
1. Observed Release	550	
2. Potential to Release	500	
3. Likelihood of Release (higher of lines 1 and 2)	550	
Waste Characteristics		
4. Toxicity/Mobility	(a)	
5. Hazardous Waste Quantity	(a)	
6. Waste Characteristics	100	
Targets		
7. Nearest Individual.		
7a. Level I	50	
7b. Level II	45	
7c. Potential Contamination	20	
7d. Nearest Individual (higher of lines 7a, 7b, or 7c)	50	
8. Population	(b)	
8a. Level I	(b)	
8b. Level II	(b)	

TABLE 2–1—SAMPLE PATHWAY SCORESHEET—Continued

Factor category	Maximum value	Value assigned
8c. Potential Contamination	([b])	
8d. Total Population (lines 8a+8b+8c).		
9. Resources	5	
10. Sensitive Environments	([b])	
10a. Actual Contamination	([b])	
10b. Potential Environments	([b])	
10c. Sensitive Environments (lines 10a+10b)	([b])	
11. Targets (lines 7d+8d+9+10c)	([b])	
12. Pathway Score is the product of Likelihood of Release, Waste Characteristics, and Targets, divided by 82,500. Pathway scores are limited to a maximum of 100 points.		

[a] Maximum value applies to waste characteristics category. The product of lines 4 and 5 is used in Table 2–7 to derive the value for the waste characteristics factor category.
[b] There is no limit to the human population or sensitive environments factor values. However, the pathway score based solely on sensitive environments is limited to a maximum of 60 points.

- Scoring likelihood of release (or likelihood of exposure) factor category.
  —Scoring observed release (or observed exposure or observed contamination).
  —Scoring potential to release when there is no observed release.
- Scoring waste characteristics factor category.
  —Evaluating toxicity.
  ■ Combining toxicity with mobility, persistence, degradation and/or bioaccumulation (or ecosystem bioaccumulation) potential, as appropriate to the pathway (component or threat).
  ■ Evaluating hazardous waste quantity.
  —Combining hazardous waste quantity with the other waste characteristics factors.
  ■ Determining waste characteristics factor category value.
- Scoring targets factor category.
  —Determining level of contamination for targets.

These evaluations are essentially identical for the three migration pathways (ground water, surface water, and air). However, the evaluations differ in certain respects for the soil exposure and subsurface intrusion pathway.

Section 7 specifies modifications that apply to each pathway when evaluating sites containing radioactive substances.

Section 2 focuses on evaluations common at the pathway, component, and threat levels. Note that for the ground water and surface water migration pathways, separate scores are calculated for each aquifer (see section 3.0) and each watershed (see sections 4.1.1.3 and 4.2.1.5) when determining the pathway scores for a site. Although the evaluations in section 2 do not vary when different aquifers or watersheds are scored at a site, the specific factor values (for example, observed release, hazardous waste quantity, toxicity/mobility) that result from these evaluations can vary by aquifer and by watershed at the site. This can occur through differences both in the specific sources and targets eligible to be evaluated for each aquifer and watershed and in whether observed releases can be established for each aquifer and watershed. Such differences in scoring at the aquifer and watershed level are addressed in sections 3 and 4, not section 2.

2.2 *Characterize sources.* Source characterization includes identification of the following:

- Sources (and areas of observed contamination, areas of observed exposure, or areas of subsurface contamination) at the site.
- Hazardous substances associated with these sources (or areas of observed contamination, areas of observed exposure, or areas of subsurface contamination).
- Pathways potentially threatened by these hazardous substances.

Table 2–2 presents a sample worksheet for source characterization.

2.2.1 *Identify sources.* For the three migration pathways, identify the sources at the site that contain hazardous substances. Identify the migration pathway(s) to which each source applies. For the soil exposure and subsurface intrusion pathway, identify areas of observed contamination, areas of observed exposure, and/or areas of subsurface contamination at the site (see sections 5.1.0 and 5.2.0).

TABLE 2–2—SAMPLE SOURCE CHARACTERIZATION WORKSHEET

Source: ___
A. Source dimensions and hazardous waste quantity.
Hazardous constituent quantity: ___
Hazardous wastestream quantity: ___
Volume: ___
Area: ___
Area of observed contamination: ___
Area of observed exposure: ___
Area of subsurface contamination: ___
B. Hazardous substances associated with the source.

Hazardous substance	Available to pathway								
	Air		Ground Water (GW)	Surface Water (SW)		Soil Exposure/Subsurface Intrusion (SESSI)			
						Soil exposure		Subsurface Intrusion	
	Gas	Particulate		Overland/ flood	GW to SW	Resident	Nearby	Area of observed exposure	Area of subsurface contamination

2.2.2 *Identify hazardous substances associated with a source.* For each of the three migration pathways, consider those hazardous substances documented in a source (for example, by sampling, labels, manifests, oral or written statements) to be associated with that source when evaluating each pathway. In some instances, a hazardous substance can be documented as being present at a site (for example, by labels, manifests, oral or written statements), but the specific source(s) containing that hazardous substance cannot be documented. For the three migration pathways, in those instances when the specific source(s) cannot be documented for a hazardous substance, consider the hazardous substance to be present in each source at the site, except sources for which definitive information indicates that the hazardous substance was not or could not be present.

For an area of observed contamination in the soil exposure component of the soil exposure and subsurface intrusion pathway, consider only those hazardous substances that meet the criteria for observed contamination for that area (see section 5.1.0) to be associated with that area when evaluating the pathway.

For an area of observed exposure or area of subsurface contamination (see section 5.2.0) in the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, consider only those hazardous substances that:

• Meet the criteria for observed exposure, or

• Meet the criteria for observed release in an area of subsurface contamination and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol, or

• Meet the criteria for an observed release in a structure within, or in a sample from below, an area of observed exposure and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol.

2.2.3 *Identify hazardous substances available to a pathway.* In evaluating each migration pathway, consider the following hazardous substances available to migrate from the sources at the site to the pathway:

- Ground water migration.
  - —Hazardous substances that meet the criteria for an observed release (see section 2.3) to ground water.
  - —All hazardous substances associated with a source with a ground water containment factor value greater than 0 (see section 3.1.2.1).
- Surface water migration—overland/flood component.
  - —Hazardous substances that meet the criteria for an observed release to surface water in the watershed being evaluated.
  - —All hazardous substances associated with a source with a surface water containment factor value greater than 0 for the watershed (see sections 4.1.2.1.2.1.1 and 4.1.2.1.2.2.1).
- Surface water migration—ground water to surface water component.
  - —Hazardous substances that meet the criteria for an observed release to ground water.
  - —All hazardous substances associated with a source with a ground water containment factor value greater than 0 (see sections 4.2.2.1.2 and 3.1.2.1).
- Air migration.
  - —Hazardous substances that meet the criteria for an observed release to the atmosphere.
  - —All gaseous hazardous substances associated with a source with a gas containment factor value greater than 0 (see section 6.1.2.1.1).
  - —All particulate hazardous substances associated with a source with a particulate containment factor value greater than 0 (see section 6.1.2.2.1).
- For each migration pathway, in those instances when the specific source(s) containing the hazardous substance cannot be documented, consider that hazardous substance to be available to migrate to the pathway when it can be associated (see section 2.2.2) with at least one source having a containment factor value greater than 0 for that pathway.

In evaluating the soil exposure and subsurface intrusion pathway, consider the following hazardous substances available to the pathway:

- Soil exposure component—resident population threat.
  - —All hazardous substances that meet the criteria for observed contamination at the site (see section 5.1.0).
- Soil exposure component—nearby population threat.
  - —All hazardous substances that meet the criteria for observed contamination at areas with an attractiveness/accessibility factor value greater than 0 (see section 5.1.2.1.1).
- Subsurface intrusion component.
  - —All hazardous substances that meet the criteria for observed exposure at the site (see section 5.2.0).
  - —All hazardous substances with a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol that meet the criteria for an observed release in an area of subsurface contamination (see section 5.2.0).
  - —All hazardous substances that meet the criteria for an observed release in a structure within, or in a sample from

below, an area of observed exposure (see section 5.2.0).

2.3 *Likelihood of release.* Likelihood of release is a measure of the likelihood that a waste has been or will be released to the environment. The likelihood of release factor category is assigned the maximum value of 550 for a migration pathway whenever the criteria for an observed release are met for that pathway. If the criteria for an observed release are met, do not evaluate potential to release for that pathway. When the criteria for an observed release are not met, evaluate potential to release for that pathway, with a maximum value of 500. The evaluation of potential to release varies by migration pathway (see sections 3, 4 and 6).

Establish an observed release either by direct observation of the release of a hazardous substance into the media being evaluated (for example, surface water) or by chemical analysis of samples appropriate to the pathway being evaluated (see sections 3, 4 and 6). The minimum standard to establish an observed release by chemical analysis is analytical evidence of a hazardous substance in the media significantly above the background level. Further, some portion of the release must be attributable to the site. Use the criteria in Table 2–3 as the standard for determining analytical significance. (The criteria in Table 2–3 are also used in establishing observed contamination for the soil exposure component and for establishing areas of observed exposure and areas of subsurface contamination in the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, see section 5.1.0 and section 5.2.0). Separate criteria apply to radionuclides (see section 7.1.1).

TABLE 2–3—OBSERVED RELEASE CRITERIA FOR CHEMICAL ANALYSIS

Sample Measurement < Sample Quantitation Limit.[a]
No observed release is established.
Sample Measurement ≥ Sample Quantitation Limit.[a]
An observed release is established as follows:

- If the background concentration is not detected (or is less than the detection limit), an observed release is established when the sample measurement equals or exceeds the sample quantitation limit.[a]
- If the background concentration equals or exceeds the detection limit, an observed release is established when the sample measurement is 3 times or more above the background concentration.

[a] If the sample quantitation limit (SQL) cannot be established, determine if there is an observed release as follows:
—If the sample analysis was performed under the EPA Contract Laboratory Program, use the EPA contract-required quantitation limit (CRQL) in place of the SQL.
—If the sample analysis is not performed under the EPA Contract Laboratory Program, use the detection limit (DL) in place of the SQL.

2.4 *Waste characteristics.* The waste characteristics factor category includes the following factors: Hazardous waste quantity, toxicity, and as appropriate to the pathway or threat being evaluated, mobility, persistence, degradation, and/or bioaccumulation (or ecosystem bioaccumulation) potential.

2.4.1 *Selection of substance potentially posing greatest hazard.* For all pathways (components and threats), select the hazardous substance potentially posing the greatest hazard for the pathway (component or threat) and use that substance in evaluating the waste characteristics category of the pathway (component or threat). For the three migration pathways (and threats), base the selection of this hazardous substance on the toxicity factor value for the substance, combined with its mobility, persistence, and/or bioaccumulation (or ecosystem bioaccumulation) potential factor values, as applicable to the migration pathway (or threat). For the soil exposure component of the soil exposure and subsurface intrusion pathway, base the selection on the toxicity factor alone. For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, base the selection on the toxicity factor value for the substance, combined with its degradation factor value. Evaluation of the toxicity factor is specified in section 2.4.1.1. Use and evaluation of the mobility, persistence, degradation, and/or bioaccumulation (or ecosystem bioaccumulation) potential factors vary by pathway (component or threat) and are specified under the appropriate pathway (component or threat) section. Section 2.4.1.2 identifies the specific factors that are combined with toxicity in evaluating each pathway (component or threat).

2.4.1.1 *Toxicity factor.* Evaluate toxicity for those hazardous substances at the site that are available to the pathway being scored. For all pathways and threats, except the surface water environmental threat, evaluate human toxicity as specified below. For the surface water environmental threat, evaluate ecosystem toxicity as specified in section 4.1.4.2.1.1.

Establish human toxicity factor values based on quantitative dose-response parameters for the following three types of toxicity:

• Cancer—Use slope factors (also referred to as cancer potency factors) combined with weight-of-evidence ratings for carcinogenicity for all exposure routes except inhalation. Use inhalation unit risk (IUR) for inhalation exposure. If an inhalation unit risk or a slope factor is not available for a substance, use its ED_{10} value to estimate a slope factor as follows:

$$\text{Slope factor} = \frac{1}{6\,(ED_{10})}$$

• Noncancer toxicological responses of chronic exposure—use reference dose (RfD) or reference concentration (RfC) values as applicable.

• Noncancer toxicological responses of acute exposure—use acute toxicity parameters, such as the LD_{50}.

Assign human toxicity factor values to a hazardous substance using Table 2–4, as follows:

• If RfD/RfC and slope factor/inhalation unit risk values are available for the hazardous substance, assign the substance a value from Table 2–4 for each. Select the higher of the two values assigned and use it as the overall toxicity factor value for the hazardous substance.

• If either an RfD/RfC or slope factor/inhalation unit risk value is available, but not both, assign the hazardous substance an overall toxicity factor value from Table 2–4 based solely on the available value (RfD/RfC or slope factor/inhalation unit risk).

• If neither an RfD/RfC nor slope factor/inhalation unit risk value is available, assign the hazardous substance an overall toxicity factor value from Table 2–4 based solely on acute toxicity. That is, consider acute toxicity in Table 2–4 only when both RfD/RfC and slope factor/IUR values are not available.

• If neither an RfD/RfC, nor slope factor/inhalation unit risk, nor acute toxicity value is available, assign the hazardous substance an overall toxicity factor value of 0 and use other hazardous substances for which information is available in evaluating the pathway.

TABLE 2–4—TOXICITY FACTOR EVALUATION

	Assigned value
Chronic Toxicity (Human)	
Reference dose (RfD) (mg/kg-day):	
RfD < 0.0005	10,000
0.0005 ≤ RfD < 0.005	1,000
0.005 ≤ RfD < 0.05	100
0.05 ≤ RfD < 0.5	10
0.5 ≤ RfD	1
RfD not available	0
Reference concentration (RfC) (mg/m³):	
RfC < 0.0001	10,000
0.0001 ≤ RfC < 0.006	1,000
0.006 ≤ RfC < 0.2	100
0.2 ≤ RfC < 2.0	10
2.0 ≤ RfC	1
RfC not available	0

Carcinogenicity (human)			
A or Carcinogenic to humans	B or Likely to be carcinogenic to humans	C or Suggestive evidence of carcinogenic potential	Assigned value
Weight-of-evidence[a]/Slope factor (mg/kg-day)$^{-1}$			
0.5 ≤ SF[b]	5 ≤ SF	50 ≤ SF	10,000
0.05 ≤ SF < 0.5	0.5 ≤ SF < 5	5 ≤ SF < 50	1,000
SF < 0.05	0.05 ≤ SF < 0.5	0.5 ≤ SF < 5	100
	SF < 0.05	SF < 0.5	10
Slope factor not available	Slope factor not available	Slope factor not available	0
Weight-of-evidence[a]/Inhalation unit risk (μg/m³)			
0.00004 ≤ IUR[c]	0.0004 ≤ IUR	0.004 ≤ IUR	10,000
0.00001 ≤ IUR < 0.00004	0.0001 ≤ IUR < 0.0004	0.001 ≤ IUR < 0.004	1,000
IUR < 0.00001	0.00001 ≤ IUR < 0.0001	0.0001 ≤ IUR < 0.001	100
	< 0.00001	IUR < 0.0001	10
Inhalation unit risk not available	Inhalation unit risk not available	Inhalation unit risk not available	0

[a] A, B, and C, as well as Carcinogenic to humans, Likely to be carcinogenic to humans, and Suggestive evidence of carcinogenic potential refer to weight-of-evidence categories. Assign substances with a weight-of-evidence category of D (inadequate evidence of carcinogenicity) or E (evidence of lack of carcinogenicity), as well as inadequate information to assess carcinogenic potential and not likely to be carcinogenic to humans a value of 0 for carcinogenicity.
[b] SF = Slope factor.
[c] IUR = Inhalation Unit Risk.

Acute Toxicity (human)				
Oral LD_{50} (mg/kg)	Dermal LD_{50} (mg/kg)	Dust or mist LC_{50} (mg/l)	Gas or vapor LC_{50} (ppm)	Assigned value
$LD_{50} < 5$	$LD_{50} < 2$	$LC_{50} < 0.2$	$LC_{50} < 20$	1,000
$5 \leq LD_{50} < 50$	$2 \leq LD_{50} < 20$	$0.2 \leq LC_{50} < 2$	$20 \leq LC_{50} <200$	100
$50 \leq LD_{50} < 500$	$20 \leq LD_{50} < 200$	$2 \leq LC_{50} <20$	$200 \leq LC_{50} <2{,}000$	10
$500 \leq LD_{50}$	$200 \leq LD_{50}$	$20 \leq LC_{50}$	$2{,}000 \leq LC_{50}$	1
LD_{50} not available	LD_{50} not available	LC_{50} not available	LC_{50} not available	0

If a toxicity factor value of 0 is assigned to all hazardous substances available to a particular pathway (that is, insufficient toxicity data are available for evaluating all the substances), use a default value of 100 as the overall human toxicity factor value for all hazardous substances available to the pathway. For hazardous substances having usable toxicity data for multiple exposure routes (for example, inhalation and ingestion), consider all exposure routes and use the highest assigned value, regardless of exposure route, as the toxicity factor value. For HRS purposes, assign both asbestos and lead (and its compounds) a human toxicity factor value of 10,000.

Separate criteria apply for assigning factor values for human toxicity and ecosystem toxicity for radionuclides (see sections 7.2.1 and 7.2.2).

2.4.1.2 *Hazardous substance selection.* For each hazardous substance evaluated for a migration pathway (or threat), combine the human toxicity factor value (or ecosystem toxicity factor value) for the hazardous substance with a mobility, persistence, and/or bioaccumulation (or ecosystem bioaccumulation) potential factor value as follows:

- Ground water migration.
  —Determine a combined human toxicity/mobility factor value for the hazardous substance (see section 3.2.1).
- Surface water migration—overland/flood migration component.
  —Determine a combined human toxicity/persistence factor value for the hazardous substance for the drinking water threat (see section 4.1.2.2.1).
  —Determine a combined human toxicity/persistence/bioaccumulation factor value for the hazardous substance for the human food chain threat (see section 4.1.3.2.1).
  —Determine a combined ecosystem toxicity/persistence/bioaccumulation factor value for the hazardous substance for the environmental threat (see section 4.1.4.2.1).
- Surface water migration—ground water to surface water migration component.
  —Determine a combined human toxicity/mobility/persistence factor value for the hazardous substance for the drinking water threat (see section 4.2.2.2.1).
  —Determine a combined human toxicity/mobility/persistence/bioaccumulation factor value for the hazardous substance for the human food chain threat (see section 4.2.3.2.1).
  —Determine a combined ecosystem toxicity/mobility/persistence/bioaccumulation factor value for the hazardous substance for the environmental threat (see section 4.2.4.2.1).
- Air migration.
  —Determine a combined human toxicity/mobility factor value for the hazardous substance (see section 6.2.1).

Determine each combined factor value for a hazardous substance by multiplying the individual factor values appropriate to the pathway (or threat). For each migration pathway (or threat) being evaluated, select the hazardous substance with the highest combined factor value and use that substance in evaluating the waste characteristics factor category of the pathway (or threat).

For the soil exposure and subsurface intrusion pathway, determine toxicity and toxicity/degradation factor values as follows:

- Soil exposure and subsurface intrusion—soil exposure component.
  —Select the hazardous substance with the highest human toxicity factor value from among the substances that meet the criteria for observed contamination for the threat evaluated and use that substance in evaluating the waste characteristics factor category (see section 5.1.1.2.1).
- Soil exposure and subsurface intrusion—subsurface intrusion component.
  —Determine a combined human toxicity/degradation factor value for each hazardous substance being evaluated that:
  - ■ Meets the criteria for observed exposure, or
  - ■ Meets the criteria for observed release in an area of subsurface contamination and has a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol, or
  - ■ Meets the criteria for an observed release in a structure within, or in a sample from below, an area of observed exposure and has a vapor pressure greater than or equal to one torr or a Henry's

constant greater than or equal to 10^{-5} atm-m^3/mol.

—Select the hazardous substance with the highest combined factor value and use that substance in evaluating the waste characteristics factor category (see sections 5.2.1.2.1 and 5.2.1.2).

2.4.2 *Hazardous waste quantity.* Evaluate the hazardous waste quantity factor by first assigning each source (or area of observed contamination, area of observed exposure, or area of subsurface contamination) a source hazardous waste quantity value as specified below. Sum these values to obtain the hazardous waste quantity factor value for the pathway being evaluated.

In evaluating the hazardous waste quantity factor for the three migration pathways, allocate hazardous substances and hazardous wastestreams to specific sources in the manner specified in section 2.2.2, except: Consider hazardous substances and hazardous wastestreams that cannot be allocated to any specific source to constitute a separate "unallocated source" for purposes of evaluating only this factor for the three migration pathways. Do not, however, include a hazardous substance or hazardous wastestream in the unallocated source for a migration pathway if there is definitive information indicating that the substance or wastestream could only have been placed in sources with a containment factor value of 0 for that migration pathway.

In evaluating the hazardous waste quantity factor for the soil exposure component of the soil exposure and subsurface intrusion pathway, allocate to each area of observed contamination only those hazardous substances that meet the criteria for observed contamination for that area of observed contamination and only those hazardous wastestreams that contain hazardous substances that meet the criteria for observed contamination for that area of observed contamination. Do not consider other hazardous substances or hazardous wastestreams at the site in evaluating this factor for the soil exposure component of the soil exposure and subsurface intrusion pathway.

In evaluating the hazardous waste quantity factor for the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, allocate to each area of observed exposure or area of subsurface contamination only those hazardous substances and hazardous wastestreams that contain hazardous substances that:

- Meet the criteria for observed exposure, or
- Meet the criteria for observed release in an area of subsurface contamination and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol, or
- Meet the criteria for an observed release in a structure within, or in a sample from below, an area of observed exposure and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol.

Do not consider other hazardous substances or hazardous wastestreams at the site in evaluating this factor for the subsurface intrusion component of the soil exposure and subsurface intrusion pathway. When determining the hazardous waste quantity for multi-subunit structures, use the procedures identified in section 5.2.1.2.2.

2.4.2.1 *Source hazardous waste quantity.* For each of the three migration pathways, assign a source hazardous waste quantity value to each source (including the unallocated source) having a containment factor value greater than 0 for the pathway being evaluated. Consider the unallocated source to have a containment factor value greater than 0 for each migration pathway.

For the soil exposure component of the soil exposure and subsurface intrusion pathway, assign a source hazardous waste quantity value to each area of observed contamination, as applicable to the threat being evaluated.

For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, assign a source hazardous waste quantity value to each regularly occupied structure within an area of observed exposure or an area of subsurface contamination that has a structure containment factor value greater than 0. If sufficient data is available and state of the science shows there is no unacceptable risk due to subsurface intrusion into a regularly occupied structure located within an area of subsurface contamination, that structure can be excluded from the area of subsurface contamination.

For determining all hazardous waste quantity calculations except for an unallocated source or an area of subsurface contamination, evaluate using the following four measures in the following hierarchy:

- Hazardous constituent quantity.
- Hazardous wastestream quantity.
- Volume.
- Area.

For the unallocated source, use only the first two measures. For an area of subsurface contamination, evaluate non-radioactive hazardous substances using only the last two measures and evaluate radioactive hazardous substances using hazardous wastestream quantity only. See also section 7.0 regarding the evaluation of radioactive substances.

Separate criteria apply for assigning a source hazardous waste quantity value for radionuclides (see section 7.2.5).

2.4.2.1.1 *Hazardous constituent quantity.* Evaluate hazardous constituent quantity for the source (or area of observed contamination) based solely on the mass of CERCLA hazardous substances (as defined in CERCLA section 101(14), as amended) allocated to the source (or area of observed contamination), except:

• For a hazardous waste listed pursuant to section 3001 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6901 *et seq.*, determine its mass for the evaluation of this measure as follows:

—If the hazardous waste is listed solely for Hazard Code T (toxic waste), include only the mass of constituents in the hazardous waste that are CERCLA hazardous substances and not the mass of the entire hazardous waste.

—If the hazardous waste is listed for any other Hazard Code (including T plus any other Hazard Code), include the mass of the entire hazardous waste.

• For a RCRA hazardous waste that exhibits the characteristics identified under section 3001 of RCRA, as amended, determine its mass for the evaluation of this measure as follows:

—If the hazardous waste exhibits only the characteristic of toxicity (or only the characteristic of EP toxicity), include only the mass of constituents in the hazardous waste that are CERCLA hazardous substances and not the mass of the entire hazardous waste.

—If the hazardous waste exhibits any other characteristic identified under section 3001 (including any other characteristic plus the characteristic of toxicity [or the characteristic of EP toxicity]), include the mass of the entire hazardous waste.

Based on this mass, designated as C, assign a value for hazardous constituent quantity as follows:

• For the migration pathways, assign the source a value for hazardous constituent quantity using the Tier A equation of Table 2–5.

• For the soil exposure and subsurface intrusion pathway—soil exposure component, assign the area of observed contamination a value using the Tier A equation of Table 5–2 (section 5.1.1.2.2).

• For the soil exposure and subsurface intrusion pathway—subsurface intrusion component, assign the area of observed exposure a value using the Tier A equation of Table 5–19 (section 5.2.1.2.2).

If the hazardous constituent quantity for the source (or area of observed contamination or area of observed exposure) is adequately determined (that is, the total mass of all CERCLA hazardous substances in the source and releases from the source [or in the area of observed contamination or area of observed exposure] is known or is estimated with reasonable confidence), do not evaluate the other three measures discussed below. Instead assign these other three measures a value of 0 for the source (or area of observed contamination or area of observed exposure) and proceed to section 2.4.2.1.5.

If the hazardous constituent quantity is not adequately determined, assign the source (or area of observed contamination or area of observed exposure) a value for hazardous constituent quantity based on the available data and proceed to section 2.4.2.1.2.

TABLE 2–5—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS

Tier	Measure	Units	Equation for assigning value[a]
A	Hazardous constituent quantity (C)	lb	C.
B[b]	Hazardous wastestream quantity (W)	lb	W/5,000.
C[b]	Volume (V).		
	Landfill	yd^3	V/2,500.
	Surface impoundment	yd^3	V/2.5.
	Surface impoundment (buried/backfilled)	yd^3	V/2.5.
	Drums[c]	gallon	V/500.
	Tanks and containers other than drums	yd^3	V/2.5.
	Contaminated soil	yd^3	V/2,500.
	Pile	yd^3	V/2.5.
	Other	yd^3	V/2.5.
D[b]	Area (A).		
	Landfill	ft^2	A/3,400.
	Surface impoundment	ft^2	A/13.
	Surface impoundment (buried/backfilled)	ft^2	A/13.
	Land treatment	ft^2	A/270.
	Pile[d]	ft^2	A/13.
	Contaminated soil	ft^2	A/34,000.

[a] Do not round to nearest integer.
[b] Convert volume to mass when necessary: 1 ton = 2,000 pounds = 1 cubic yard = 4 drums = 200 gallons.
[c] If actual volume of drums is unavailable, assume 1 drum=50 gallons.
[d] Use land surface area under pile, not surface area of pile.

2.4.2.1.2 *Hazardous wastestream quantity.* Evaluate hazardous wastestream quantity for the source (or area of observed contamination or area of observed exposure) based on the mass of hazardous wastestreams plus the mass of any additional CERCLA pollutants and contaminants (as defined in CERCLA section 101[33], as amended) that are allocated to the source (or area of observed contamination or area of observed exposure). For a wastestream that consists solely of a hazardous waste listed pursuant to section 3001 of RCRA, as amended or that consists solely of a RCRA hazardous waste that exhibits the characteristics identified under section 3001 of RCRA, as amended, include the mass of that entire hazardous waste in the evaluation of this measure.

Based on this mass, designated as W, assign a value for hazardous wastestream quantity as follows:

• For the migration pathways, assign the source a value for hazardous wastestream quantity using the Tier B equation of Table 2–5.

• For the soil exposure and subsurface intrusion pathway—soil exposure component, assign the area of observed contamination a value using the Tier B equation of Table 5–2 (section 5.1.1.2.2).

• For the soil exposure and subsurface intrusion pathway—subsurface intrusion component, assign the area of observed exposure a value using the Tier B equation of Table 5–19 (section 5.2.1.2.2).

Do not evaluate the volume and area measures described below if the source is the unallocated source or if the following condition applies:

• The hazardous wastestream quantity for the source (or area of observed contamination or area of observed exposure) is adequately determined—that is, total mass of all hazardous wastestreams and CERCLA pollutants and contaminants for the source and releases from the source (or for the area of observed contamination) is known or is estimated with reasonable confidence.

If the source is the unallocated source or if this condition applies, assign the volume and area measures a value of 0 for the source (or area of observed contamination) and proceed to section 2.4.2.1.5. Otherwise, assign the source (or area of observed contamination) a value for hazardous wastestream quantity based on the available data and proceed to section 2.4.2.1.3.

2.4.2.1.3 *Volume.* Evaluate the volume measure using the volume of the source (or the volume of the area of observed contamination, area of observed exposure, or area of subsurface contamination). For the soil exposure and subsurface intrusion pathway, restrict the use of the volume measure to those areas of observed contamination, areas of observed exposure, or areas of subsurface contamination as specified in sections 5.1.1.2.2 and 5.2.1.2.2.

Based on the volume, designated as V, assign a value to the volume measure as follows:

• For the migration pathways, assign the source a value for volume using the appropriate Tier C equation of Table 2–5.

• For the soil exposure and subsurface intrusion pathway—soil exposure component, assign the area of observed contamination a value for volume using the appropriate Tier C equation of Table 5–2 (section 5.1.1.2.2).

• For the soil exposure and subsurface intrusion pathway—subsurface intrusion component, assign the value based on the volume of the regularly occupied structures within the area of observed exposure or area of subsurface contamination using the Tier C equation of Table 5–19 (section 5.2.1.2.2).

If the volume of the source (or volume of the area of observed contamination, area of observed exposure, or area of subsurface contamination, if applicable) can be determined, do not evaluate the area measure. Instead, assign the area measure a value of 0 and proceed to section 2.4.2.1.5. If the volume cannot be determined (or is not applicable for the soil exposure and subsurface intrusion pathway), assign the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination) a value of 0 for the volume measure and proceed to section 2.4.2.1.4.

2.4.2.1.4 *Area.* Evaluate the area measure using the area of the source (or the area of the area of observed contamination, area of observed exposure, or area of subsurface contamination). Based on this area, designated as A, assign a value to the area measure as follows:

• For the migration pathways, assign the source a value for area using the appropriate Tier D equation of Table 2–5.

• For the soil exposure and subsurface intrusion pathway—soil exposure component, assign the area of observed contamination a value for area using the appropriate Tier D equation of Table 5–2 (section 5.1.1.2.2).

• For the soil exposure and subsurface intrusion pathway—subsurface intrusion component, assign a value based on the area of regularly occupied structures within the area of observed exposure or area of subsurface contamination using the Tier D equation of Table 5–19 (section 5.2.1.2.2).

2.4.2.1.5 *Calculation of source hazardous waste quantity value.* Select the highest of the values assigned to the source (or areas of observed contamination, areas of observed exposure, or areas of subsurface contamination) for the hazardous constituent quantity, hazardous wastestream quantity, volume, and area measures. Assign this value as the source hazardous waste quantity value. Do not round to the nearest integer.

2.4.2.2 *Calculation of hazardous waste quantity factor value.* Sum the source hazardous waste quantity values assigned to all sources (including the unallocated source) or areas of observed contamination, areas of observed exposure, or areas of subsurface contamination for the pathway being evaluated and round this sum to the nearest integer, except: If the sum is greater than 0, but less than 1, round it to 1. Based on this value, select a hazardous waste quantity factor value for the pathway from Table 2–6.

TABLE 2–6—HAZARDOUS WASTE QUANTITY FACTOR VALUES

Hazardous waste quantity value	Assigned value
0	0
1 [a] to 100	[b] 1
Greater than 100 to 10,000	100
Greater than 10,000 to 1,000,000	10,000
Greater than 1,000,000	1,000,000

[a] If the hazardous waste quantity value is greater than 0, but less than 1, round it to 1 as specified in text.
[b] For the pathway, if hazardous constituent quantity is not adequately determined, assign a value as specified in the text; do not assign the value of 1.

For a migration pathway, if the hazardous constituent quantity is adequately determined (see section 2.4.2.1.1) for all sources (or all portions of sources and releases remaining after a removal action), assign the value from Table 2–6 as the hazardous waste quantity factor value for the pathway. If the hazardous constituent quantity is not adequately determined for one or more sources (or one or more portions of sources or releases remaining after a removal action) assign a factor value as follows:

• If any target for that migration pathway is subject to Level I or Level II concentrations (see section 2.5), assign either the value from Table 2–6 or a value of 100, whichever is greater, as the hazardous waste quantity factor value for that pathway.

• If none of the targets for that pathway is subject to Level I or Level II concentrations, assign a factor value as follows:

—If there has been no removal action, assign either the value from Table 2–6 or a value of 10, whichever is greater, as the hazardous waste quantity factor value for that pathway.

—If there has been a removal action:

■ Determine values from Table 2–6 with and without consideration of the removal action.

■ If the value that would be assigned from Table 2–6 without consideration of the removal action would be 100 or greater, assign either the value from Table 2–6 with consideration of the removal action or a value of 100, whichever is greater, as the hazardous waste quantity factor value for the pathway.

■ If the value that would be assigned from Table 2–6 without consideration of the removal action would be less than 100, assign a value of 10 as the hazardous waste quantity factor value for the pathway.

For the soil exposure component of the soil exposure and subsurface intrusion pathway, if the hazardous constituent quantity is adequately determined for all areas of observed contamination, assign the value from Table 2–6 as the hazardous waste quantity factor value. If the hazardous constituent quantity is not adequately determined for one or more areas of observed contamination, assign either the value from Table 2–6 or a value of 10, whichever is greater, as the hazardous waste quantity factor value.

For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, if the hazardous constituent quantity is adequately determined for all areas of observed exposure, assign the value from Table 2–6 as the hazardous waste quantity factor value. If the hazardous constituent quantity is not adequately determined for one or more areas of observed exposure, assign either the value from Table 2–6 or assign a factor value as follows:

• If any target for the subsurface intrusion component is subject to Level I or Level II concentrations (see section 2.5), assign either the value from Table 2–6 or a value of 100, whichever is greater, as the hazardous waste quantity factor value for this component.

• If none of the targets for the subsurface intrusion component is subject to Level I or Level II concentrations and if there has been a removal or other temporary response action that does not permanently interrupt target exposure form subsurface intrusion, assign a factor value as follows:

—Determine the values from Table 2–6 with and without consideration of the removal or other temporary response action.

—If the value that would be assigned from Table 2–6 without consideration of the removal or other temporary response action would be 100 or greater, assign either the value from Table 2–6 with consideration of the removal action or a value of 100, whichever is greater, as the hazardous waste quantity factor value for the component.

—If the value that would be assigned from Table 2–6 without consideration of the removal or other temporary response action would be less than 100, assign a value of 10 as the hazardous waste quantity factor value for the component.

• Otherwise, if none of the targets for the subsurface intrusion component is subject to Level I or Level II concentrations and there has not been a removal action, assign a value from Table 2–6 or a value of 10, whichever is greater.

2.4.3 *Waste characteristics factor category value.* Determine the waste characteristics factor category value as specified in section 2.4.3.1 for all pathways and threats, except the surface water-human food chain threat and the surface water-environmental threat. Determine the waste characteristics factor category value for these latter two threats as specified in section 2.4.3.2.

2.4.3.1 *Factor category value.* For the pathway (component or threat) being evaluated, multiply the toxicity or combined factor value, as appropriate, from section 2.4.1.2 and the hazardous waste quantity factor value from section 2.4.2.2, subject to a maximum product of 1x10^8. Based on this waste characteristics product, assign a waste characteristics factor category value to the pathway (component or threat) from Table 2–7.

TABLE 2–7—WASTE CHARACTERISTICS FACTOR CATEGORY VALUES

Waste characteristics product	Assigned value
0	0
Greater than 0 to less than 10	1
10 to less than 1x10^2	2
1x10^2 to less than 1x10^3	3
1x10^3 to less than 1x10^4	6
1x10^4 to less than 1x10^5	10
1x10^5 to less than 1x10^6	18
1x10^6 to less than 1x10^7	32
1x10^7 to less than 1x10^8	56
1x10^8 to less than 1x10^9	100
1x10^9 to less than 1x10^{10}	180
1x10^{10} to less than 1x10^{11}	320
1x10^{11} to less than 1x10^{12}	560
1x10^{12}	1,000

2.4.3.2 *Factor category value, considering bioaccumulation potential.* For the surface water-human food chain threat and the surface water-environmental threat, multiply the toxicity or combined factor value, as appropriate, from section 2.4.1.2 and the hazardous waste quantity factor value from section 2.4.2.2, subject to:

• A maximum product of 1x10^{12}, *and*

• A maximum product exclusive of the bioaccumulation (or ecosystem bioaccumulation) potential factor of 1x10^8.

Based on the total waste characteristics product, assign a waste characteristics factor category value to these threats from Table 2–7.

2.5 *Targets.* The types of targets evaluated include the following:

• Individual (factor name varies by pathway, component, and threat).

• Human population.

• Resources (these vary by pathway, component, and threat).

• Sensitive environments (included for the surface water migration pathway, air migration pathway, and soil exposure component of the soil exposure and subsurface intrusion pathway).

The factor values that may be assigned to each type of target have the same range for each pathway for which that type of target is evaluated. The factor value for most types of targets depends on whether the target is subject to actual or potential contamination for the pathway and whether the actual contamination is Level I or Level II:

• Actual contamination: Target is associated either with a sampling location that meets the criteria for an observed release (or observed contamination or observed exposure) for the pathway or with an observed release based on direct observation for the pathway (additional criteria apply for establishing actual contamination for the human food chain threat in the surface water migration pathway, see sections 4.1.3.3 and 4.2.3.3). Sections 3 through 6 specify how to determine the targets associated with a sampling location or with an observed release based on direct observation. Determine whether the actual contamination is Level I or Level II as follows:

—Level I:

■ Media-specific concentrations for the target meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway and are at or above media-specific benchmark values. These benchmark values (see section 2.5.2) include both screening concentrations and concentrations specified in regulatory limits (such as Maximum Contaminant Level (MCL) values), or

■ For the human food chain threat in the surface water migration pathway, concentrations in tissue samples from aquatic human food chain organisms are at or above benchmark values. Such tissue samples may be used in addition to media-specific concentrations only as specified in sections 4.1.3.3 and 4.2.3.3.

—Level II:

■ Media-specific concentrations for the target meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway, but are less than media-specific benchmarks. If none of the hazardous substances eligible to be evaluated for the sampling location has an applicable benchmark, assign Level II to the actual contamination at the sampling location, or

■ For observed releases or observed exposures based on direct observation, assign Level II to targets as specified in sections 3, 4, 5, and 6, or

■ For the human food chain threat in the surface water migration pathway, concentrations in tissue samples from aquatic human food chain organisms, when applicable, are below benchmark values.

—If a target is subject to both Level I and Level II concentrations for a pathway (component or threat), evaluate the target using Level I concentrations for that pathway (component or threat).

• Potential contamination: Target is subject to a potential release (that is, target is not associated with actual contamination for that pathway or threat).

Assign a factor value for individual risk as follows (select the highest value that applies to the pathway, component or threat):

• 50 points if any individual is exposed to Level I concentrations.

• 45 points if any individual is exposed to Level II concentrations.

• Maximum of 20 points if any individual is subject to potential contamination. The value assigned is 20 unless reduced by a distance or dilution weight appropriate to the pathway. Assign factor values for population and sensitive environments as follows:

• Sum Level I targets and multiply by 10. (Level I is not used for sensitive environments in the soil exposure component of the soil exposure and subsurface intrusion and air migration pathways.)

• Sum Level II targets.

• Multiply potential targets in all but the soil exposure and subsurface intrusion pathway by distance or dilution weights appropriate to the pathway, sum, and divide by 10. Distance or dilution weighting accounts for diminishing exposure with increasing distance or dilution within the different pathways. For targets within an area of subsurface contamination in the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, multiply by a weighting factor as directed in section 5.2.1.3.2.3.

• Sum the values for the three levels.

In addition, resource value points are assigned within all pathways for welfare-related impacts (for example, impacts to agricultural land), but do not depend on whether there is actual or potential contamination.

2.5.1 *Determination of level of actual contamination at a sampling location.* Determine whether Level I concentrations or Level II concentrations apply at a sampling location (and thus to the associated targets) as follows:

• Select the benchmarks applicable to the pathway (component or threat) being evaluated.

• Compare the concentrations of hazardous substances in the sample (or comparable samples) to their benchmark concentrations for the pathway (component or threat), as specified in section 2.5.2.

• Determine which level applies based on this comparison.

• If none of the hazardous substances eligible to be evaluated for the sampling location has an applicable benchmark, assign Level II to the actual contamination at that sampling location for the pathway (component or threat).

In making the comparison, consider only those samples, and only those hazardous substances in the sample, that meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway, except: Tissue samples from aquatic human food chain organisms may also be used as specified in sections 4.1.3.3 and 4.2.3.3 of the surface water-human food chain threat. If any hazardous substance is present in more than one comparable sample for the sampling location, use the highest concentration of that hazardous substance from any of the comparable samples in making the comparisons.

Treat sets of samples that are not comparable separately and make a separate comparison for each such set.

2.5.2 *Comparison to benchmarks.* Use the following media-specific benchmarks for making the comparisons for the indicated pathway (or threat):

• Maximum Contaminant Level Goals (MCLGs)—ground water migration pathway and drinking water threat in surface water migration pathway. Use only MCLG values greater than 0.

• Maximum Contaminant Levels (MCLs)—ground water migration pathway and drinking water threat in surface water migration pathway.

• Food and Drug Administration Action Level (FDAAL) for fish or shellfish—human food chain threat in surface water migration pathway.

• EPA Ambient Water Quality Criteria (AWQC/National Recommended Water Quality Criteria) for protection of aquatic life—environmental threat in surface water migration pathway.

• EPA Ambient Aquatic Life Advisory Concentrations (AALAC)—environmental threat in surface water migration pathway.

• National Ambient Air Quality Standards (NAAQS)—air migration pathway.

• National Emission Standards for Hazardous Air Pollutants (NESHAPs)—air migration pathway. Use only those NESHAPs promulgated in ambient concentration units.

• Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for inhalation exposures (air migration pathway or subsurface intrusion component of the soil exposure and subsurface intrusion pathway) or for oral exposures (ground water migration pathway; drinking water and human food chain threats in surface water migration pathway; and soil exposure and subsurface intrusion pathway).

• Screening concentration for noncancer toxicological responses corresponding to the RfC for inhalation exposures (air migration pathway and subsurface intrusion component of the soil exposure and subsurface intrusion pathway) or RfD for oral exposures (ground water migration pathway; drinking water and human food chain threats in surface water migration pathway; and soil exposure and subsurface intrusion pathway).

Select the benchmark(s) applicable to the pathway (component or threat) being evaluated as specified in sections 3 through 6. Compare the concentration of each hazardous substance from the sampling location to its benchmark concentration(s) for that pathway (component or threat). Use only those samples and only those hazardous substances in the sample that meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway, except: Tissue samples from aquatic human food chain organisms may be used as specified in sections 4.1.3.3 and 4.2.3.3. If the concentration of any applicable hazardous substance from any sample equals or exceeds its benchmark concentration, consider the sampling location to be subject to Level I concentrations for that pathway (or threat). If more than one benchmark applies to the hazardous substance, assign Level I if the concentration of the hazardous substance equals or exceeds the lowest applicable benchmark concentration.

If no hazardous substance individually equals or exceeds its benchmark concentration, but more than one hazardous substance either meets the criteria for an observed release (or observed contamination or observed exposure) for the sample (or comparable samples) or is eligible to be evaluated for a tissue sample (see sections 4.1.3.3 and 4.2.3.3), calculate the indices I and J specified below based on these hazardous substances.

For those hazardous substances that are carcinogens (that is, those having either a carcinogen weight-of-evidence classification of A, B, or C or a weight-of-evidence classification of carcinogenic to humans, likely to be carcinogenic to humans, or suggestive evidence of carcinogenic potential), calculate an index I for the sample location as follows:

$$I = \sum_{i=1}^{n} \frac{C_i}{SC_i}$$

Where:

C_i = Concentration of hazardous substance i in sample (or highest concentration of hazardous substance i from among comparable samples).

SC_i = Screening concentration for cancer corresponding to that concentration that corresponds to its 10^{-6} individual cancer risk for applicable exposure (inhalation or oral) for hazardous substance i.

n = Number of applicable hazardous substances in sample (or comparable samples) that are carcinogens and for which an SC_i is available.

For those hazardous substances for which an RfD or RfC is available, calculate an index J for the sample location as follows:

$$I = \sum_{j=1}^{m} \frac{C_j}{CR_j}$$

Where:

C_j = Concentration of hazardous substance j in sample (or highest concentration of hazardous substance j from among comparable samples).

CR_j = Screening concentration for noncancer toxicological responses corresponding to RfD or RfC for applicable exposure (inhalation or oral) for hazardous substance j.

m = Number of applicable hazardous substances in sample (or comparable samples) for which a CR_j is available.

If either I or J equals or exceeds 1, consider the sampling location to be subject to Level I concentrations for that pathway (component or threat). If both I and J are less than 1, consider the sampling location to be subject to Level II concentrations for that pathway (component or threat). If, for the sampling location, there are sets of samples that are not comparable, calculate I and J separately for each such set, and use the highest calculated values of I and J to assign Level I and Level II.

See sections 7.3.1 and 7.3.2 for criteria for determining the level of contamination for radioactive substances.

3.0 Ground Water Migration Pathway

Evaluate the ground water migration pathway based on three factor categories: likelihood of release, waste characteristics, and targets. Figure 3–1 indicates the factors included within each factor category.

Determine the ground water migration pathway score (S_{gw}) in terms of the factor category values as follows:

$$S_{gw} = \frac{(LR)(WC)(T)}{SF}$$

where:

LR = Likelihood of release factor category value.
WC = Waste characteristics factor category value.
T = Targets factor category value.
SF = Scaling factor.

Table 3–1 outlines the specific calculation procedure.

Calculate a separate ground water migration pathway score for each aquifer, using the factor category values for that aquifer for likelihood of release, waste characteristics, and targets. In doing so, include both the targets using water from that aquifer and the targets using water from all overlying aquifers through which the hazardous substances would migrate to reach the aquifer being evaluated. Assign the highest ground water migration pathway score that results for any aquifer as the ground water migration pathway score for the site.

Likelihood of Release (LR)		Waste Characteristics (WC)		Targets (T)
Observed Release or Potential to Release • Containment • Net Precipitation • Depth to Aquifer • Travel Time	X	Toxicity/Mobility • Toxicity - Chronic - Carcinogenic - Acute • Mobility - Water Solubility - Distribution Coefficient (K_d) Hazardous Waste Quantity • Hazardous Constituent Quantity • Hazardous Wastestream Quantity • Volume • Area	X	Nearest Well Population • Level I Concentrations • Level II Concentrations • Potential Contamination Resources Wellhead Protection Area

FIGURE 3-1
OVERVIEW OF GROUND WATER MIGRATION PATHWAY

TABLE 3–1—GROUND WATER MIGRATION PATHWAY SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Likelihood of Release to an Aquifer:		
1. Observed Release	550	
2. Potential to Release:		
2a. Containment	10	
2b. Net Precipitation	10	
2c. Depth to Aquifer	5	
2d. Travel Time	35	
2e. Potential to Release [lines 2a(2b + 2c + 2d)]	500	
3. Likelihood of Release (higher of lines 1 and 2e)	550	
Waste Characteristics:		
4. Toxicity/Mobility	(a)	
5. Hazardous Waste Quantity	(a)	
6. Waste Characteristics	100	
Targets:		
7. Nearest Well	50	
8. Population:		
8a. Level I Concentrations	(b)	
8b. Level II Concentrations	(b)	
8c. Potential Contamination	(b)	
8d. Population (lines 8a + 8b + 8c)	(b)	
9. Resources	5	
10. Wellhead Protection Area	20	
11. Targets (lines 7 + 8d + 9 + 10)	(b)	
Ground Water Migration Score for an Aquifer:		
12. Aquifer Score [(lines 3 × 6 × 11) / 82,500] [c]	100	
Ground Water Migration Pathway Score:		
13. Pathway Score (S_{gw}), (highest value from line 12 for all aquifers evaluated) [c]	100	

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] Do not round to nearest integer.

3.0.1 *General considerations*

3.0.1.1 *Ground water target distance limit.* The target distance limit defines the maximum distance from the sources at the site over which targets are evaluated. Use a target distance limit of 4 miles for the ground water migration pathway, except when aquifer discontinuities apply (see section 3.0.1.2.2). Furthermore, consider any well with an observed release from a source at the site (see section 3.1.1) to lie within the target distance limit of the site, regardless of the well's distance from the sources at the site.

For sites that consist solely of a contaminated ground water plume with no identified source, begin measuring the 4-mile target distance limit at the center of the area of observed ground water contamination. Determine the area of observed ground water contamination based on available samples that meet the criteria for an observed release.

3.0.1.2 *Aquifer boundaries.* Combine multiple aquifers into a single hydrologic unit for scoring purposes if aquifer interconnections can be established for these aquifers. In contrast, restrict aquifer boundaries if aquifer discontinuities can be established.

3.0.1.2.1 *Aquifer interconnections.* Evaluate whether aquifer interconnections occur within 2 miles of the sources at the site. If they occur within this 2-mile distance, combine the aquifers having interconnections in scoring the site. In addition, if observed ground water contamination attributable to the sources at the site extends beyond 2 miles from the sources, use any locations within the limits of this observed ground water contamination in evaluating aquifer interconnections. If data are not adequate to establish aquifer interconnections, evaluate the aquifers as separate aquifers.

3.0.1.2.2 *Aquifer discontinuities.* Evaluate whether aquifer discontinuities occur within the 4-mile target distance limit. An aquifer discontinuity occurs for scoring purposes only when a geologic, topographic, or other structure or feature entirely transects an aquifer within the 4-mile target distance limit, thereby creating a continuous boundary to ground water flow within this limit. If two or more aquifers can be combined into a single hydrologic unit for scoring purposes, an aquifer discontinuity occurs only when the structure or feature entirely transects the boundaries of this single hydrologic unit.

When an aquifer discontinuity is established within the 4-mile target distance limit, exclude that portion of the aquifer beyond the discontinuity in evaluating the ground water migration pathway. However, if hazardous substances have migrated across an apparent discontinuity within the 4-mile target distance limit, do not consider this to be a discontinuity in scoring the site.

3.0.1.3 *Karst aquifer.* Give a karst aquifer that underlies any portion of the sources at the site special consideration in the evaluation of two potential to release factors (depth to aquifer in section 3.1.2.3 and travel time in section 3.1.2.4), one waste characteristics factor (mobility in section 3.2.1.2), and two targets factors (nearest well in section 3.3.1 and potential contamination in section 3.3.2.4).

3.1 *Likelihood of release.* For an aquifer, evaluate the likelihood of release factor category in terms of an observed release factor or a potential to release factor.

3.1.1 *Observed release.* Establish an observed release to an aquifer by demonstrating that the site has released a hazardous substance to the aquifer. Base this demonstration on either:

• Direct observation—a material that contains one or more hazardous substances has been deposited into or has been observed entering the aquifer.

• Chemical analysis—an analysis of ground water samples from the aquifer indicates that the concentration of hazardous substance(s) has increased significantly above the background concentration for the site (see section 2.3). Some portion of the significant increase must be attributable to the site to establish the observed release, except: when the source itself consists of a ground water plume with no identified source, no separate attribution is required.

If an observed release can be established for the aquifer, assign the aquifer an observed release factor value of 550, enter this value in table 3–1, and proceed to section 3.1.3. If an observed release cannot be established for the aquifer, assign an observed release factor value of 0, enter this value in table 3–1, and proceed to section 3.1.2.

3.1.2 *Potential to release.* Evaluate potential to release only if an observed release cannot be established for the aquifer. Evaluate potential to release based on four factors: containment, net precipitation, depth to aquifer, and travel time. For sources overlying karst terrain, give any karst aquifer that underlies any portion of the sources at the site special consideration in evaluating depth to aquifer and travel time, as specified in sections 3.1.2.3 and 3.1.2.4.

3.1.2.1 *Containment.* Assign a containment factor value from table 3–2 to each source at the site. Select the highest containment factor value assigned to those sources with a source hazardous waste quantity value of 0.5 or more (see section 2.4.2.1.5). (Do not include this minimum size requirement in evaluating any other factor of this pathway.) Assign this highest value as the containment factor value for the aquifer being evaluated. Enter this value in Table 3–1.

If no source at the site meets the minimum size requirement, then select the highest value assigned to the sources at the site and assign it as the containment factor value for the aquifer being evaluated. Enter this value in table 3–1.

3.1.2.2 *Net precipitation.* Assign a net precipitation factor value to the site. Figure 3–2 provides computed net precipitation factor values, based on site location. Where necessary, determine the net precipitation factor value as follows:

• Determine monthly precipitation and monthly evapotranspiration:

–Use local measured monthly averages.

–When local data are not available, use monthly averages from the nearest National Oceanographic and Atmospheric Administration weather station that is in a similar geographic setting.

TABLE 3–2—CONTAINMENT FACTOR VALUES FOR GROUND WATER MIGRATION PATHWAY

Source	Assigned value
All Sources (Except Surface Impoundments, Land Treatment, Containers, and Tanks)	
Evidence of hazardous substance migration from source area (*i.e.*, source area includes source and any associated containment structures).	10
No liner	10
No evidence of hazardous substance migration from source area, a liner, *and:*	
(a) None of the following present: (1) maintained engineered cover, or (2) functioning and maintained run-on control system and runoff management system, or (3) functioning leachate collection and removal system immediately above liner.	10
(b) Any one of the three items in (a) present	9
(c) Any two of the items in (a) present	7
(d) All three items in (a) present plus a functioning ground water monitoring system	5
(e) All items in (d) present, plus no bulk or non-containerized liquids nor materials containing free liquids deposited in source area.	3
No evidence of hazardous substance migration from source area, double liner with functioning leachate collection and removal system above and between liners, functioning ground water monitoring system, *and:*	
(f) Only one of the following deficiencies present in containment: (1) bulk or noncontainerized liquids or materials containing free liquids deposited in source area, or (2) no or nonfunctioning or nonmaintained run-on control system and runoff management system, or (3) no or nonmaintained engineered cover.	3
(g) None of the deficiencies in (f) present	0
Source area inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate is generated, liquids or materials containing free liquids not deposited in source area, and functioning and maintained run-on control present.	0

TABLE 3–2—CONTAINMENT FACTOR VALUES FOR GROUND WATER MIGRATION PATHWAY—Continued

Source	Assigned value
Surface Impoundment	
Evidence of hazardous substance migration from surface impoundment	10
No liner	10
Free liquids present with either no diking, unsound diking, or diking that is not regularly inspected and maintained.	10
No evidence of hazardous substance migration from surface impoundment, free liquids present, sound diking that is regularly inspected and maintained, adequate freeboard, *and:*	
(a) Liner	9
(b) Liner with functioning leachate collection and removal system below liner, and functioning ground water monitoring system.	5
(c) Double liner with functioning leachate collection and removal system between liners, and functioning ground water monitoring system.	3
No evidence of hazardous substance migration from surface impoundment and all free liquids eliminated at closure (either by removal of liquids or solidification of remaining wastes and waste residues).	Evaluate using **All sources** criteria (with no bulk or free liquid deposited).
Land Treatment	
Evidence of hazardous substance migration from land treatment zone	10
No functioning, maintained, run-on control and runoff management system	10
No evidence of hazardous substance migration from land treatment zone *and:*	
(a) Functioning and maintained run-on control and runoff management system	7
(b) Functioning and maintained run-on control and runoff management system, and vegetative cover established over entire land treatment area.	5
(c) Land treatment area maintained in compliance with 40 CFR 264.280	0
Containers	
All containers buried	Evaluate using **All sources** criteria.
Evidence of hazardous substance migration from container area (*i.e.*, container area includes containers and any associated containment structures).	10
No liner (or no essentially impervious base) under container area.	10
No diking (or no similar structure) surrounding container area	10
Diking surrounding container area unsound or not regularly inspected and maintained	10
No evidence of hazardous substance migration from container area, container area surrounded by sound diking that is regularly inspected and maintained, *and:*	
(a) Liner (or essentially impervious base) under container area	9
(b) Essentially impervious base under container area with liquids collection and removal system	7
(c) Containment system includes essentially impervious base, liquids collection system, sufficient capacity to contain 10 percent of volume of all containers, and functioning and maintained run-on control; plus functioning ground water monitoring system, and spilled or leaked hazardous substances and accumulated precipitation removed in timely manner to prevent overflow of collection system, at least weekly inspection of containers, hazardous substances in leaking or deteriorating containers transferred to containers in good condition, and containers sealed except when waste is added or removed.	5
(d) Free liquids present, containment system has sufficient capacity to hold total volume of all containers and to provide adequate freeboard, single liner under container area with functioning leachate collection and removal system below liner, and functioning ground water monitoring system.	5
(e) Same as (d) except: double liner under container area with functioning leachate collection and removal system between liners.	3
Containers inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate would be generated from any unsealed or ruptured containers, liquids or materials containing free liquids not deposited in any container, and functioning and maintained run-off control present.	0
No evidence of hazardous substance migration from container area, containers leaking, and all free liquids eliminated at closure (either by removal of liquid or solidification of remaining wastes and waste residues).	Evaluate using **All sources** criteria (with no bulk or free liquid deposited).
Tank	
Below-ground tank	Evaluate using **All sources** criteria.
Evidence of hazardous substance migration from tank area (*i.e.*, tank area includes tank, ancillary equipment such as piping, and any associated containment structures).	10
Tank and ancillary equipment not provided with secondary containment (e.g., liner under tank area, vault system, double wall).	10
No diking (or no similar structure) surrounding tank and ancillary equipment	10
Diking surrounding tank and ancillary equipment unsound or not regularly inspected and maintained	10

TABLE 3–2—CONTAINMENT FACTOR VALUES FOR GROUND WATER MIGRATION PATHWAY—Continued

Source	Assigned value
No evidence of hazardous substance migration from tank area, tank and ancillary equipment surrounded by sound diking that is regularly inspected and maintained, *and:*	
(a) Tank and ancillary equipment provided with secondary containment	9
(b) Tank and ancillary equipment provided with secondary containment with leak detection and collection system.	7
(c) Tank and ancillary equipment provided with secondary containment system that detects and collects spilled or leaked hazardous substances and accumulated precipitation and has sufficient capacity to contain 110 percent of volume of largest tank within containment area, spilled or leaked hazardous substances and accumulated precipitation removed in timely manner, at least weekly inspection of tank and secondary containment system, all leaking or unfit-for-use tank systems promptly responded to, and functioning ground water monitoring system.	5
(d) Containment system has sufficient capacity to hold volume of all tanks within tank containment area and to provide adequate freeboard, single liner under that containment area with functioning leachate collection and removal system below liner, and functioning ground water monitoring system.	5
(e) Same as (d) except: double liner under tank containment area with functioning leachate collection and removal system between liners.	3
Tank is above ground, and inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate would be generated from any material released from tank, liquids or materials containing free liquids not deposited in any tank, and functioning and maintained run-on control present.	0

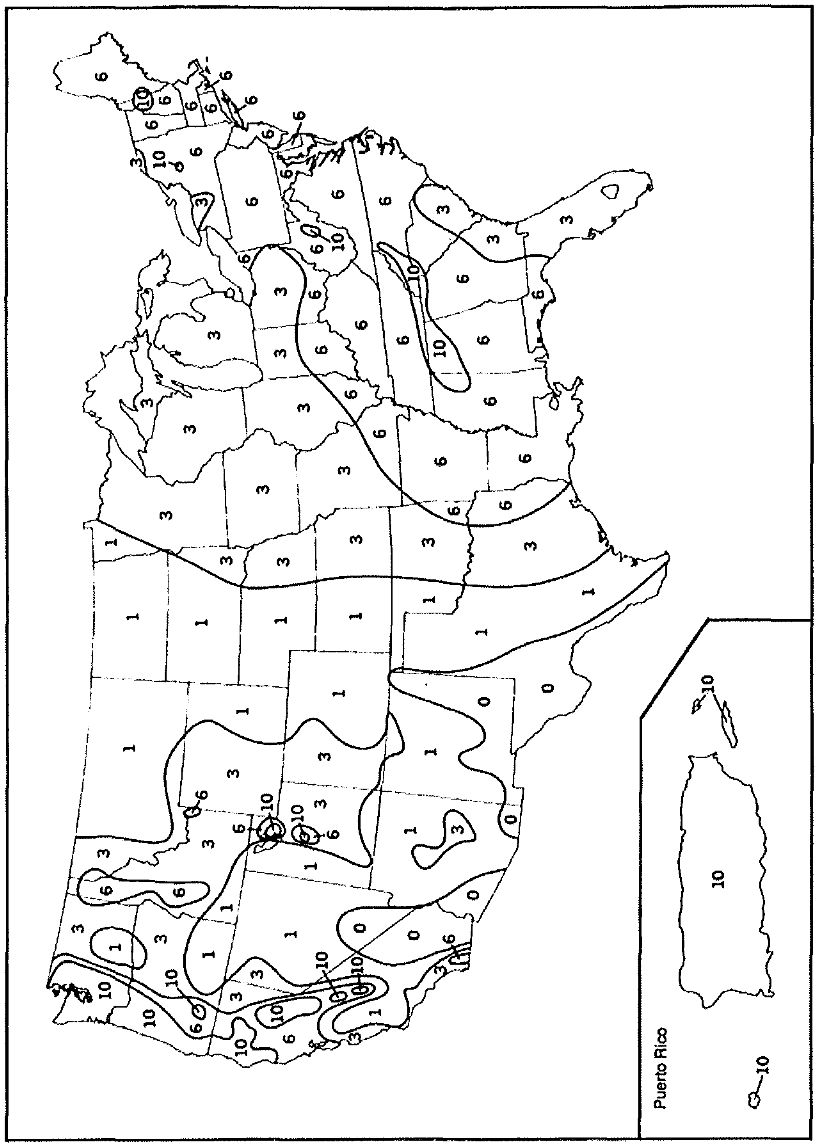


FIGURE 3-2
NET PRECIPITATION FACTOR VALUES

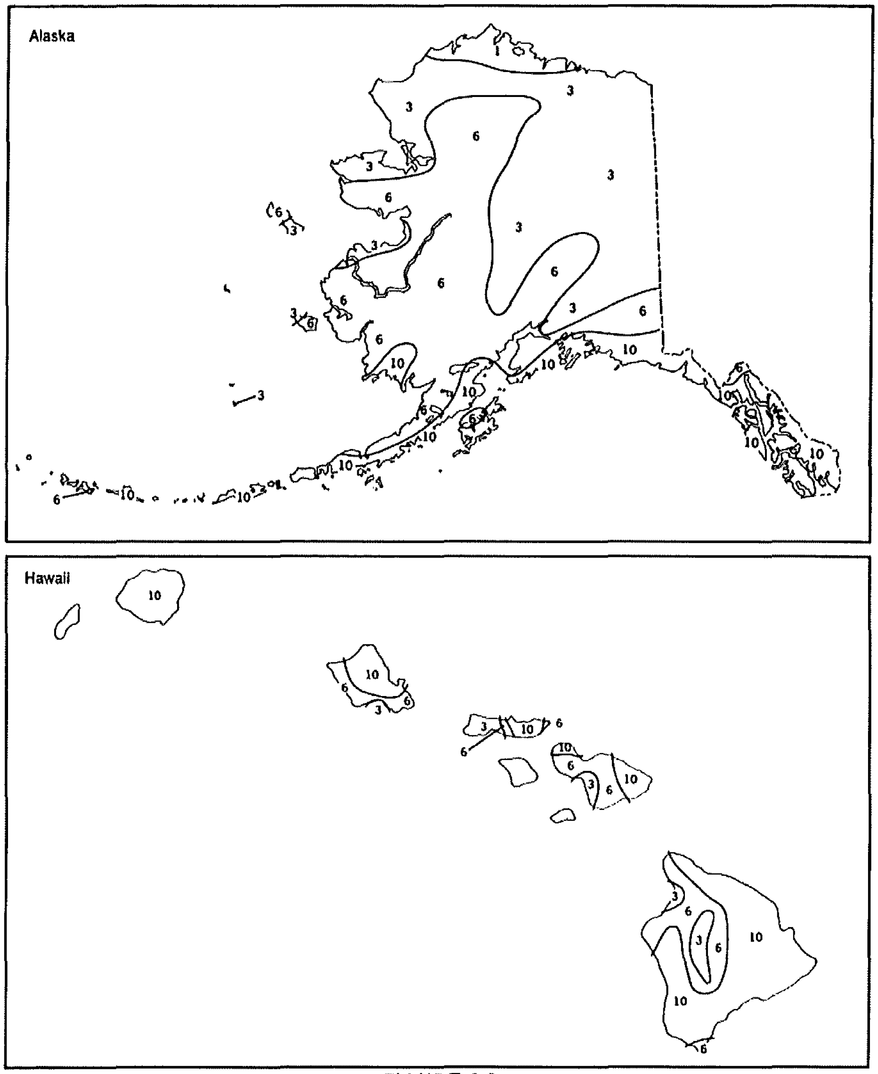


FIGURE 3-2
NET PRECIPITATION FACTOR VALUES
(CONCLUDED)

–When measured monthly evapotranspiration is not available, calculate monthly potential evapotranspiration (E_i) as follows:

$E_i = 0.6\ F_i\ (10\ T_i/I)^a$

where:

E_i = Monthly potential evapotranspiration (inches) for month i.

F_i = Monthly latitude adjusting value for month i.

T_i = Mean monthly temperature (°C) for month i.

$$I = \sum_{i=1}^{12} \left(T_i/5\right)^{1.514}$$

$a = 6.75 \times 10^{-7} I^3 - 7.71 \times 10^{-5} I^2 + 1.79 \times 10^{-2} I + 0.49239$

Select the latitude adjusting value for each month from table 3-3. For latitudes lower than 50° North or 20° South, determine the monthly latitude adjusting value by interpolation.

• Calculate monthly net precipitation by subtracting monthly evapotranspiration (or monthly potential evapotranspiration) from monthly precipitation. If evapotranspiration (or potential evapotranspiration) exceeds precipitation for a month, assign that month a net precipitation value of 0.

• Calculate the annual net precipitation by summing the monthly net precipitation values.

• Based on the annual net precipitation, assign a net precipitation factor value from table 3-4.

Enter the value assigned from Figure 3-2 or from table 3-4, as appropriate, in table 3-1.

TABLE 3-3—MONTHLY LATITUDE ADJUSTING VALUES [A]

Latitude[b] (degrees)	Month											
	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.
≥50 N	0.74	0.78	1.02	1.15	1.33	1.36	1.37	1.25	1.06	0.92	0.76	0.70
45 N	0.80	0.81	1.02	1.13	1.28	1.29	1.31	1.21	1.04	0.94	0.79	0.75
40 N	0.84	0.83	1.03	1.11	1.24	1.25	1.27	1.18	1.04	0.96	0.83	0.81
35 N	0.87	0.85	1.03	1.09	1.21	1.21	1.23	1.16	1.03	0.97	0.89	0.85
30 N	0.90	0.87	1.03	1.08	1.18	1.17	1.20	1.14	1.03	0.98	0.89	0.88
20 N	0.95	0.90	1.03	1.05	1.13	1.11	1.14	1.11	1.02	1.00	0.93	0.94
10 N	1.00	0.91	1.03	1.03	1.08	1.06	1.08	1.07	1.02	1.02	0.98	0.99
0	1.04	0.94	1.04	1.01	1.04	1.01	1.04	1.04	1.01	1.04	1.01	1.04
10 S	1.08	0.97	1.05	0.99	1.00	0.96	1.00	1.02	1.00	1.06	1.05	1.09
20 S	1.14	0.99	1.05	0.97	0.96	0.91	0.95	0.99	1.00	1.08	1.09	1.15

[a] Do not round to nearest integer.
[b] For unlisted latitudes lower than 50° North or 20° South, determine the latitude adjusting value by interpolation.

TABLE 3-4—NET PRECIPITATION FACTOR VALUES

Net precipitation (inches)	Assigned value
0	0
Greater than 0 to 5	1
Greater than 5 to 15	3
Greater than 15 to 30	6
Greater than 30	10

3.1.2.3 *Depth to aquifer.* Evaluate depth to aquifer by determining the depth from the lowest known point of hazardous substances at a site to the top of the aquifer being evaluated, considering all layers in that interval. Measure the depth to an aquifer as the distance from the surface to the top of the aquifer minus the distance from the surface to the lowest known point of hazardous substances eligible to be evaluated for that aquifer. In evaluating depth to aquifer in karst terrain, assign a thickness of 0 feet to a karst aquifer that underlies any portion of the sources at the site. Based on the calculated depth, assign a value from table 3-5 to the depth to aquifer factor.

Determine the depth to aquifer only at locations within 2 miles of the sources at the site, except: if observed ground water contamination attributable to sources at the site extends more than 2 miles beyond these sources, use any location within the limits of this observed ground water contamination when evaluating the depth to aquifer factor for any aquifer that does not have an observed release. If the necessary geologic information is available at multiple locations, calculate the depth to aquifer at each location. Use the location having the smallest depth to assign the factor value. Enter this value in table 3-1.

TABLE 3-5—DEPTH TO AQUIFER FACTOR VALUES

Depth to aquifer[a] (feet)	Assigned value
Less than or equal to 25	5
Greater than 25 to 250	3
Greater than 250	1

[a] Use depth of all layers between the hazardous substances and aquifer. Assign a thickness of 0 feet to any karst aquifer that underlies any portion of the sources at the site.

3.1.2.4 *Travel time.* Evaluate the travel time factor based on the geologic materials in the interval between the lowest known point of hazardous substances at the site and the top of the aquifer being evaluated. Assign a value to the travel time factor as follows:

• If the depth to aquifer (see section 3.1.2.3) is 10 feet or less, assign a value of 35.

• If, for the interval being evaluated, all layers that underlie a portion of the sources at the site are karst, assign a value of 35.

• Otherwise:

–Select the lowest hydraulic conductivity layer(s) from within the above interval.

Consider only layers at least 3 feet thick. However, do not consider layers or portions of layers within the first 10 feet of the depth to the aquifer.

–Determine hydraulic conductivities for individual layers from table 3–6 or from in-situ or laboratory tests. Use representative, measured, hydraulic conductivity values whenever available.

–If more than one layer has the same lowest hydraulic conductivity, include all such layers and sum their thicknesses. Assign a thickness of 0 feet to a karst layer that underlies any portion of the sources at the site.

–Assign a value from table 3–7 to the travel time factor, based on the thickness and hydraulic conductivity of the lowest hydraulic conductivity layer(s).

TABLE 3–6—HYDRAULIC CONDUCTIVITY OF GEOLOGIC MATERIALS

Type of material	Assigned hydraulic conductivity[a] (cm/sec)
Clay; low permeability till (compact unfractured till); shale; unfractured metamorphic and igneous rocks	10^{-8}
Silt; loesses; silty clays; sediments that are predominantly silts; moderately permeable till (fine-grained, unconsolidated till, or compact till with some fractures); low permeability limestones and dolomites (no karst); low permeability sandstone; low permeability fractured igneous and metamorphic rocks	10^{-6}
Sands; sandy silts; sediments that are predominantly sand; highly permeable till (coarse-grained, unconsolidated or compact and highly fractured); peat; moderately permeable limestones and dolomites (no karst); moderately permeable sandstone; moderately permeable fractured igneous and metamorphic rocks	10^{-4}
Gravel; clean sand; highly permeable fractured igneous and metamorphic rocks; permeable basalt; karst limestones and dolomites	10^{-2}

[a] Do not round to nearest integer.

TABLE 3–7—TRAVEL TIME FACTOR VALUES[A]

Hydraulic conductivity (cm/sec)	Thickness of lowest hydraulic conductivity layer(s)[b] (feet)			
	Greater than 3 to 5	Greater than 5 to 100	Greater than 100 to 500	Greater than 500
Greater than or equal to 10^{-3}	35	35	35	25
Less than 10^{-3} to 10^{-5}	35	25	15	15
Less than 10^{-5} to 10^{-7}	15	15	5	5
Less than 10^{-7}	5	5	1	1

[a] If depth to aquifer is 10 feet or less or if, for the interval being evaluated, all layers that underlie a portion of the sources at the site are karst, assign a value of 35.

[b] Consider only layers at least 3 feet thick. Do not consider layers or portions of layers within the first 10 feet of the depth to the aquifer.

Determine travel time only at locations within 2 miles of the sources at the site, except: if observed ground water contamination attributable to sources at the site extends more than 2 miles beyond these sources, use any location within the limits of this observed ground water contamination when evaluating the travel time factor for any aquifer that does not have an observed release. If the necessary subsurface geologic information is available at multiple locations, evaluate the travel time factor at each location. Use the location having the highest travel time factor value to assign the factor value for the aquifer. Enter this value in table 3–1.

3.1.2.5 *Calculation of potential to release factor value.* Sum the factor values for net precipitation, depth to aquifer, and travel time, and multiply this sum by the factor value for containment. Assign this product as the potential to release factor value for the aquifer. Enter this value in table 3–1.

3.1.3 *Calculation of likelihood of release factor category value.* If an observed release is established for an aquifer, assign the observed release factor value of 550 as the likelihood of release factor category value for that aquifer. Otherwise, assign the potential to release factor value for that aquifer as the likelihood of release value. Enter the value assigned in table 3–1.

3.2 *Waste characteristics.* Evaluate the waste characteristics factor category for an aquifer based on two factors: toxicity/mobility and hazardous waste quantity. Evaluate only those hazardous substances available to migrate from the sources at the site to ground water. Such hazardous substances include:

• Hazardous substances that meet the criteria for an observed release to ground water.

• All hazardous substances associated with a source that has a ground water containment factor value greater than 0 (see sections 2.2.2, 2.2.3, and 3.1.2.1).

3.2.1 *Toxicity/mobility*. For each hazardous substance, assign a toxicity factor value, a mobility factor value, and a combined toxicity/mobility factor value as specified in the following sections. Select the toxicity/mobility factor value for the aquifer being evaluated as specified in section 3.2.1.3.

3.2.1.1 *Toxicity*. Assign a toxicity factor value to each hazardous substance as specified in Section 2.4.1.1.

3.2.1.2 *Mobility*. Assign a mobility factor value to each hazardous substance for the aquifer being evaluated as follows:

• For any hazardous substance that meets the criteria for an observed release by chemical analysis to one or more aquifers underlying the sources at the site, regardless of the aquifer being evaluated, assign a mobility factor value of 1.

• For any hazardous substance that does not meet the criteria for an observed release by chemical analysis to at least one of the aquifers, assign that hazardous substance a mobility factor value from table 3–8 for the aquifer being evaluated, based on its water solubility and distribution coefficient (K_d).

• If the hazardous substance cannot be assigned a mobility factor value because data on its water solubility or distribution coefficient are not available, use other hazardous substances for which information is available in evaluating the pathway.

TABLE 3–8—GROUND WATER MOBILITY FACTOR VALUES [a]

Water solubility (mg/l)	Distribution coefficient (K_d) (ml/g)			
	Karst [c]	≤10	>10 to 1,000	>1,000
Present as liquid [b]	1	1	0.01	0.0001
Greater than 100	1	1	0.01	0.0001
Greater than 1 to 100	0.2	0.2	0.002	2×10^{-5}
Greater than 0.01 to 1	0.002	0.002	2×10^{-5}	2×10^{-7}
Less than or equal to 0.01	2×10^{-5}	2×10^{-5}	2×10^{-7}	2×10^{-9}

[a] Do not round to nearest integer.
[b] Use if the hazardous substance is present or deposited as a liquid.
[c] Use if the entire interval from the source to the aquifer being evaluated is karst.

• If none of the hazardous substances eligible to be evaluated can be assigned a mobility factor value, use a default value of 0.002 as the mobility factor value for all these hazardous substances.

Determine the water solubility to be used in table 3–8 for the hazardous substance as follows (use this same water solubility for all aquifers):

• For any hazardous substance that does not meet the criteria for an observed release by chemical analysis, if the hazardous substance is present or deposited as a liquid, use the water solubility category "Present as Liquid" in table 3–8 to assign the mobility factor value to that hazardous substance.

• Otherwise:

–For any hazardous substance that is a metal (or metalloid) and that does not meet the criteria for an observed release by chemical analysis, establish a water solubility for the hazardous substance as follows:

–Determine the overall range of water solubilities for compounds of this hazardous substance (consider all compounds for which adequate water solubility information is available, not just compounds identified as present at the site).

–Calculate the geometric mean of the highest and the lowest water solubility in this range.

–Use this geometric mean as the water solubility in assigning the hazardous substance a mobility factor value from table 3–8.

–For any other hazardous substance (either organic or inorganic) that does not meet the criteria for an observed release by chemical analysis, use the water solubility of that hazardous substance to assign a mobility factor value from table 3–8 to the hazardous substance.

For the aquifer being evaluated, determine the distribution coefficient to be used in table 3–8 for the hazardous substance as follows:

• For any hazardous substance that does not meet the criteria for an observed release by chemical analysis, if the entire interval from a source at the site to the aquifer being evaluated is karst, use the distribution coefficient category "Karst" in table 3–8 in assigning the mobility factor value for that hazardous substance for that aquifer.

• Otherwise:

–For any hazardous substance that is a metal (or metalloid) and that does not meet the criteria for an observed release by chemical analysis, use the distribution coefficient for the metal or (metalloid) to assign a mobility factor value from table 3–8 for that hazardous substance.

–For any other inorganic hazardous substance that does not meet the criteria for an observed release by chemical analysis, use the distribution coefficient for that inorganic hazardous substance, if available, to assign a mobility factor value from table 3–8. If the distribution coefficient is not available, use a default value of "less than 10" as the distribution coefficient, except: for asbestos use a default value of "greater than 1,000" as the distribution coefficient.

–For any hazardous substance that is organic and that does not meet the criteria for an observed release by chemical analysis, establish a distribution coefficient for that hazardous substance as follows:

–Estimate the K_d range for the hazardous substance using the following equation:

$K_d = (K_{oc})(f_s)$

where:

K_{oc} = Soil-water partition coefficient for organic carbon for the hazardous substance.

f_s = Sorbent content (fraction of clays plus organic carbon) in the subsurface.

–Use f_s values of 0.03 and 0.77 in the above equation to establish the upper and lower values of the K_d range for the hazardous substance.

–Calculate the geometric mean of the upper and lower K_d range values. Use this geometric mean as the distribution coefficient in assigning the hazardous substance a mobility factor value from table 3–8.

3.2.1.3 *Calculation of toxicity/mobility factor value.* Assign each hazardous substance a toxicity/mobility factor value from table 3–9, based on the values assigned to the hazardous substance for the toxicity and mobility factors. Use the hazardous substance with the highest toxicity/mobility factor value for the aquifer being evaluated to assign the value to the toxicity/mobility factor for that aquifer. Enter this value in table 3–1.

TABLE 3–9—TOXICITY/MOBILITY FACTOR VALUES [a]

Mobility factor value	Toxicity factor value					
	10,000	1,000	100	10	1	0
1.0	10,000	1,000	100	10	1	0
0.2	2,000	200	20	2	0.2	0
0.01	100	10	1	0.1	0.01	0
0.002	20	2	0.2	0.02	0.002	0
0.0001	1	0.1	0.01	0.001	1×10^{-4}	0
2×10^{-5}	0.2	0.02	0.002	2×10^{-4}	2×10^{-5}	0
2×10^{-7}	0.002	2×10^{-4}	2×10^{-5}	2×10^{-6}	2×10^{-7}	0
2×10^{-9}	2×10^{-5}	2×10^{-6}	2×10^{-7}	2×10^{-8}	2×10^{-9}	0

[a] Do not round to nearest integer.

3.2.2 *Hazardous waste quantity.* Assign a hazardous waste quantity factor value for the ground water pathway (or aquifer) as specified in section 2.4.2. Enter this value in table 3–1.

3.2.3 *Calculation of waste characteristics factor category value.* Multiply the toxicity/mobility and hazardous waste quantity factor values, subject to a maximum product of 1×10^8. Based on this product, assign a value from table 2–7 (section 2.4.3.1) to the waste characteristics factor category. Enter this value in table 3–1.

3.3 *Targets.* Evaluate the targets factor category for an aquifer based on four factors: nearest well, population, resources, and Wellhead Protection Area. Evaluate these four factors based on targets within the target distance limit specified in section 3.0.1.1 and the aquifer boundaries specified in section 3.0.1.2. Determine the targets to be included in evaluating these factors for an aquifer as specified in section 3.0.

3.3.1 *Nearest well.* In evaluating the nearest well factor, include both the drinking water wells drawing from the aquifer being evaluated and those drawing from overlying aquifers as specified in section 3.0. Include standby wells in evaluating this factor only if they are used for drinking water supply at least once every year.

If there is an observed release by direct observation for a drinking water well within the target distance limit, assign Level II concentrations to that well. However, if one or more samples meet the criteria for an observed release for that well, determine if that well is subject to Level I or Level II concentrations as specified in sections 2.5.1 and 2.5.2. Use the health-based benchmarks from table 3–10 in determining the level of contamination.

Assign a value for the nearest well factor as follows:

• If one or more drinking water wells is subject to Level I concentrations, assign a value of 50.

• If not, but if one or more drinking water wells is subject to Level II concentrations, assign a value of 45.

• If none of the drinking water wells is subject to Level I or Level II concentrations, assign a value as follows:

–If one of the target aquifers is a karst aquifer that underlies any portion of the sources at the site and any well draws drinking water from this karst aquifer within the target distance limit, assign a value of 20.

–If not, determine the shortest distance to any drinking water well, as measured from any source at the site with a ground water containment factor value greater than 0. Select a value from table 3–11 based on this distance. Assign it as the value for the nearest well factor.

Enter the value assigned to the nearest well factor in table 3–1.

TABLE 3–10—HEALTH-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN DRINKING WATER

- Concentration corresponding to Maximum Contaminant Level (MCL).
- Concentration corresponding to a nonzero Maximum Contaminant Level Goal (MCLG).
- Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for oral exposures.
- Screening concentration for noncancer toxicological responses corresponding to the Reference Dose (RfD) for oral exposures.

TABLE 3–11—NEAREST WELL FACTOR VALUES

Distance from source (miles)	Assigned value
Level I concentrations [a]	50
Level II concentrations [a]	45
0 to ¼	20
Greater than ¼ to ½	18
Greater than ½ to 1	9
Greater than 1 to 2	5
Greater than 2 to 3	3
Greater than 3 to 4	2
Greater than 4	0

[a] Distance does not apply.

3.3.2 *Population.* In evaluating the population factor, include those persons served by drinking water wells within the target distance limit specified in section 3.0.1.1. For the aquifer being evaluated, count those persons served by wells in that aquifer and those persons served by wells in overlying aquifers as specified in section 3.0. Include residents, students, and workers who regularly use the water. Exclude transient populations such as customers and travelers passing through the area. Evaluate the population based on the location of the water supply wells, not on the location of residences, work places, etc. When a standby well is maintained on a regular basis so that water can be withdrawn, include it in evaluating the population factor.

In estimating residential population, when the estimate is based on the number of residences, multiply each residence by the average number of persons per residence for the county in which the residence is located.

In determining the population served by a well, if the water from the well is blended with other water (for example, water from other ground water wells or surface water intakes), apportion the total population regularly served by the blended system to the well based on the well's relative contribution to the total blended system. In estimating the well's relative contribution, assume each well and intake contributes equally and apportion the population accordingly, except: if the relative contribution of any one well or intake exceeds 40 percent based on average annual pumpage or capacity, estimate the relative contribution of the wells and intakes considering the following data, if available:

- Average annual pumpage from the ground water wells and surface water intakes in the blended system.
- Capacities of the wells and intakes in the blended system.

For systems with standby ground water wells or standby surface water intakes, apportion the total population regularly served by the blended system as described above, except:

- Exclude standby surface water intakes in apportioning the population.
- When using pumpage data for a standby ground water well, use average pumpage for the period during which the standby well is used rather than average annual pumpage.
- For that portion of the total population that could be apportioned to a standby ground water well, assign that portion of the population either to that standby well or to the other ground water well(s) and surface water intake(s) that serve that population; do not assign that portion of the population both to the standby well and to the other well(s) and intake(s) in the blended system. Use the apportioning that results in the highest population factor value. (Either include all standby well(s) or exclude some or all of the standby well(s) as appropriate to obtain this highest value.) Note that the specific standby well(s) included or excluded and, thus, the specific apportioning may vary in evaluating different aquifers and in evaluating the surface water pathway.

3.3.2.1 *Level of contamination.* Evaluate the population served by water from a point of withdrawal based on the level of contamination for that point of withdrawal. Use the applicable factor: Level I concentrations, Level II concentrations, or potential contamination.

If no samples meet the criteria for an observed release for a point of withdrawal and there is no observed release by direct observation for that point of withdrawal, evaluate that point of withdrawal using the potential contamination factor in section 3.3.2.4. If there is an observed release by direct observation, use Level II concentrations for that point of withdrawal. However, if one or more samples meet the criteria for an observed release for the point of withdrawal, determine which factor (Level I or Level II concentrations) applies to that point of withdrawal as specified in sections 2.5.1 and 2.5.2. Use the health-based benchmarks from table 3–10 in determining the level of contamination. Evaluate the point of withdrawal using the Level I concentrations factor in section 3.3.2.2 or the Level II concentrations factor in section 3.3.2.3, as appropriate.

For the potential contamination factor, use population ranges in evaluating the factor as specified in section 3.3.2.4. For the Level I and Level II concentrations factors, use the population estimate, not population ranges, in evaluating both factors.

3.3.2.2 *Level I concentrations.* Sum the number of people served by drinking water from points of withdrawal subject to Level I concentrations. Multiply this sum by 10. Assign this product as the value for this factor. Enter this value in table 3–1.

3.3.2.3 *Level II concentrations.* Sum the number of people served by drinking water from points of withdrawal subject to Level II concentrations. Do not include those people already counted under the Level I concentrations factor. Assign this sum as the value for this factor. Enter this value in table 3–1.

3.3.2.4 *Potential contamination.* Determine the number of people served by drinking water from points of withdrawal subject to potential contamination. Do not include those people already counted under the Level I and Level II concentrations factors.

Assign distance-weighted population values from table 3–12 to this population as follows:

• Use the "Karst" portion of table 3–12 to assign values only for that portion of the population served by points of withdrawal that draw drinking water from a karst aquifer that underlies any portion of the sources at the site.

–For this portion of the population, determine the number of people included within each "Karst" distance category in table 3–12.

TABLE 3–12—DISTANCE-WEIGHTED POPULATION VALUES FOR POTENTIAL CONTAMINATION FACTOR FOR GROUND WATER MIGRATION PATHWAY [A]

Distance category (miles)	Number of people within the distance category												
	0	1 to 10	11 to 30	31 to 100	101 to 300	301 to 1,000	1,001 to 3,000	3,001 to 10,000	10,001 to 30,000	30,001 to 100,000	100,001 to 300,000	300,001 to 1,000,000	1,000,001 to 3,000,000
Other Than Karst[b]:													
0 to ¼	0	4	17	53	164	522	1,633	5,214	16,325	52,137	163,246	521,360	1,632,455
Greater than ¼ to ½	0	2	11	33	102	324	1,013	3,233	10,122	32,325	101,213	323,243	1,012,122
Greater than ½ to 1	0	1	5	17	52	167	523	1,669	5,224	16,684	52,239	166,835	522,385
Greater than 1 to 2	0	0.7	3	10	30	94	294	939	2,939	9,385	29,384	93,845	293,842
Greater than 2 to 3	0	0.5	2	7	21	68	212	678	2,122	6,778	21,222	67,777	212,219
Greater than 3 to 4	0	0.3	1	4	13	42	131	417	1,306	4,171	13,060	41,709	130,596
Karst[c]:													
0 to ¼	0	4	17	53	164	522	1,633	5,214	16,325	52,137	163,246	521,360	1,632,455
Greater than ¼ to ½	0	2	11	33	102	324	1,013	3,233	10,122	32,325	101,213	323,243	1,012,122
Greater than ½ to 1	0	2	9	26	82	261	817	2,607	8,163	26,068	81,623	260,680	816,227
Greater than 1 to 2	0	2	9	26	82	261	817	2,607	8,163	26,068	81,623	260,680	816,227
Greater than 2 to 3	0	2	9	26	82	261	817	2,607	8,163	26,068	81,623	260,680	816,227
Greater than 3 to 4	0	2	9	26	82	261	817	2,607	8,163	26,068	81,623	260,680	816,227

[a] Round the number of people present within a distance category to nearest integer. Do not round the assigned distance-weighted population value to nearest integer.
[b] Use for all aquifers, except karst aquifers underlying any portion of the sources at the site.
[c] Use only for karst aquifers underlying any portion of the sources at the site.

–Assign a distance-weighted population value for each distance category based on the number of people included within the distance category.

• Use the "Other Than Karst" portion of table 3–12 for the remainder of the population served by points of withdrawal subject to potential contamination.

–For this portion of the population, determine the number of people included within each "Other Than Karst" distance category in table 3–12.

–Assign a distance-weighted population value for each distance category based on the number of people included within the distance category.

Calculate the value for the potential contamination factor (PC) as follows:

$$PC = \frac{1}{10}\sum_{i=1}^{n}\left(W_i + K_i\right)$$

where:

W_i = Distance-weighted population from "Other Than Karst" portion of table 3–12 for distance category i.

K_i = Distance-weighted population from "Karst" portion of table 3–12 for distance category i.

n = Number of distance categories.

If PC is less than 1, do not round it to the nearest integer; if PC is 1 or more, round to the nearest integer. Enter this value in table 3–1.

3.3.2.5 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and potential contamination. Do not round this sum to the nearest integer. Assign this sum as the population factor value for the aquifer. Enter this value in table 3–1.

3.3.3 *Resources.* To evaluate the resources factor, select the highest value specified below that applies for the aquifer being evaluated. Assign this value as the resources factor value for the aquifer. Enter this value in table 3–1.

Assign a resources value of 5 if water drawn from any target well for the aquifer being evaluated or overlying aquifers (as specified in section 3.0) is used for one or more of the following purposes:

• Irrigation (5-acre minimum) of commercial food crops or commercial forage crops.

• Watering of commercial livestock.

• Ingredient in commercial food preparation.

• Supply for commercial aquaculture.

• Supply for a major or designated water recreation area, excluding drinking water use.

Assign a resources value of 5 if no drinking water wells are within the target distance limit, but the water in the aquifer being evaluated or any overlying aquifers (as specified in section 3.0) is usable for drinking water purposes.

Assign a resources value of 0 if none of the above applies.

3.3.4 *Wellhead Protection Area.* Evaluate the Wellhead Protection Area factor based on Wellhead Protection Areas designated according to section 1428 of the Safe Drinking Water Act, as amended. Consider only those Wellhead Protection Areas applicable to the aquifer being evaluated or overlying aquifers (as specified in section 3.0). Select the highest value below that applies. Assign it as the value for the Wellhead Protection Area factor for the aquifer being evaluated. Enter this value in table 3–1.

Assign a value of 20 if either of the following criteria applies for the aquifer being evaluated or overlying aquifers:

• A source with a ground water containment factor value greater than 0 lies, either partially or fully, within or above the designated Wellhead Protection Area.

• Observed ground water contamination attributable to the sources at the site lies, either partially or fully, within the designated Wellhead Protection Area.

If neither criterion applies, assign a value of 5, if, within the target distance limit, there is a designated Wellhead Protection Area applicable to the aquifer being evaluated or overlying aquifers.

Assign a value of 0 if none of the above applies.

3.3.5 *Calculation of targets factor category value.* Sum the factor values for nearest well, population, resources, and Wellhead Protection Area. Do not round this sum to the nearest integer. Use this sum as the targets factor category value for the aquifer. Enter this value in table 3–1.

3.4 *Ground water migration score for an aquifer.* For the aquifer being evaluated, multiply the factor category values for likelihood of release, waste characteristics, and targets, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum value of 100, as the ground water migration pathway score for the aquifer. Enter this score in table 3–1.

3.5 *Calculation of ground water migration pathway score.* Calculate a ground water migration score for each aquifer underlying the sources at the site, as appropriate. Assign the highest ground water migration score for an aquifer as the ground water migration pathway score (S_{gw}) for the site. Enter this score in table 3–1.

4.0 Surface Water Migration Pathway

4.0.1 *Migration components.* Evaluate the surface water migration pathway based on two migration components:

• Overland/flood migration to surface water (see section 4.1).

• Ground water to surface water migration (see section 4.2).

Evaluate each component based on the same three threats: drinking water threat, human food chain threat, and environmental threat.

Score one or both components, considering their relative importance. If only one component is scored, assign its score as the surface water migration pathway score. If both components are scored, select the higher of the two scores and assign it as the surface water migration pathway score.

4.0.2 *Surface water categories.* For HRS purposes, classify surface water into four categories: rivers, lakes, oceans, and coastal tidal waters.

Rivers include:

• Perennially flowing waters from point of origin to the ocean or to coastal tidal waters, whichever comes first, and wetlands contiguous to these flowing waters.

• Aboveground portions of disappearing rivers.

• Man-made ditches only insofar as they perennially flow into other surface water.

• Intermittently flowing waters and contiguous intermittently flowing ditches only in arid or semiarid areas with less than 20 inches of mean annual precipitation.

Lakes include:

• Natural and man-made lakes (including impoundments) that lie along rivers, but excluding the Great Lakes.

• Isolated, but perennial, lakes, ponds, and wetlands.

• Static water channels or oxbow lakes contiguous to rivers.

• Small rivers, without diking, that merge into surrounding perennially inundated wetlands.

• Wetlands contiguous to water bodies defined here as lakes.

Ocean and ocean-like water bodies include:

• Ocean areas seaward from the baseline of the Territorial Sea. (This baseline represents the generalized coastline of the United States. It is parallel to the seaward limit of the Territorial Sea and other maritime limits such as the inner boundary of Federal fisheries jurisdiction and the limit of States jurisdiction under the Submerged Lands Act, as amended.)

• The Great Lakes.

• Wetlands contiguous to the Great Lakes.

Coastal tidal waters include:

• Embayments, harbors, sounds, estuaries, back bays, lagoons, wetlands, etc. seaward from mouths of rivers and landward from the baseline of the Territorial Sea.

4.1 *Overland/flood migration component.* Use the overland/flood migration component to evaluate surface water threats that result from overland migration of hazardous substances from a source at the site to surface water. Evaluate three types of threats for this component: drinking water threat, human food chain threat, and environmental threat.

4.1.1 *General considerations.*

4.1.1.1 *Definition of hazardous substance migration path for overland/flood migration component.* The hazardous substance migration path includes both the overland segment and the in-water segment that hazardous substances would take as they migrate away from sources at the site:

• Begin the overland segment at a source and proceed downgradient to the probable point of entry to surface water.

• Begin the in-water segment at this probable point of entry.

–For rivers, continue the in-water segment in the direction of flow (including any tidal flows) for the distance established by the target distance limit (see section 4.1.1.2).

–For lakes, oceans, coastal tidal waters, or Great Lakes, do not consider flow direction. Instead apply the target distance limit as an arc.

–If the in-water segment includes both rivers and lakes (or oceans, coastal tidal waters, or Great Lakes), apply the target distance limit to their combined in-water segments.

For sites that consist of contaminated sediments with no identified source, the hazardous substance migration path consists solely of the in-water segment specified in section 4.1.1.2.

Consider a site to be in two or more watersheds for this component if two or more hazardous substance migration paths from the sources at the site do not reach a common point within the target distance limit. If the site is in more than one watershed, define a separate hazardous substance migration path for each watershed. Evaluate the overland/flood migration component for each watershed separately as specified in section 4.1.1.3.

4.1.1.2 *Target distance limit.* The target distance limit defines the maximum distance over which targets are considered in evaluating the site. Determine a separate target distance limit for each watershed as follows:

• If there is no observed release to surface water in the watershed or if there is an observed release only by direct observation (see section 4.1.2.1.1), begin measuring the target distance limit for the watershed at the probable point of entry to surface water and extend it for 15 miles along the surface water from that point.

• If there is an observed release from the site to the surface water in the watershed that is based on sampling, begin measuring the target distance limit for the watershed at the probable point of entry; extend the target distance limit either for 15 miles along the surface water or to the most distant sample point that meets the criteria for an observed release to that watershed, whichever is greater.

In evaluating the site, include only surface water targets (for example, intakes, fisheries, sensitive environments) that are within or contiguous to the hazardous substance migration path and located, partially or wholly, at or between the probable point of entry and the target distance limit applicable to the watershed:

- If flow within the hazardous substance migration path is reversed by tides, evaluate upstream targets only if there is documentation that the tidal run could carry substances from the site as far as those upstream targets.
- Determine whether targets within or contiguous to the hazardous substance migration path are subject to actual or potential contamination as follows:
  - –If a target is located, partially or wholly, either at or between the probable point of entry and any sampling point that meets the criteria for an observed release to the watershed or at a point that meets the criteria for an observed release by direct observation, evaluate that target as subject to actual contamination, except as otherwise specified for fisheries in section 4.1.3.3 and for wetlands in section 4.1.4.3.1.1. If the actual contamination is based on direct observation, assign Level II to the actual contamination. However, if the actual contamination is based on samples, determine whether the actual contamination is at Level I or Level II concentrations as specified in sections 4.1.2.3, 4.1.3.3, and 4.1.4.3.1.
  - –If a target is located, partially or wholly, within the target distance limit for the watershed, but not at or between the probable point of entry and any sampling point that meets the criteria for an observed release to the watershed, nor at a point that meets the criteria for an observed release by direct observation, evaluate it as subject to potential contamination.

For sites consisting solely of contaminated sediments with no identified source, determine the target distance limit as follows:

- If there is a clearly defined direction of flow for the surface water body (or bodies) containing the contaminated sediments, begin measuring the target distance limit at the point of observed sediment contamination that is farthest upstream (that is, at the location of the farthest available upstream sediment sample that meets the criteria for an observed release); extend the target distance limit either for 15 miles along the surface water or to the most distant downstream sample point that meets the criteria for an observed release to that watershed, whichever is greater.
- If there is no clearly defined direction of flow, begin measuring the target distance limit at the center of the area of observed sediment contamination. Extend the target distance limit as an arc either for 15 miles along the surface water or to the most distant sample point that meets the criteria for an observed release to that watershed, whichever is greater. Determine the area of observed sediment contamination based on available samples that meet the criteria for an observed release.

Note that the hazardous substance migration path for these contaminated sediment sites consists solely of the in-water segment defined by the target distance limit; there is no overland segment.

For these contaminated sediment sites, include only those targets (for example, intakes, fisheries, sensitive environments) that are within or contiguous to the hazardous substance migration path and located, wholly or partially, within the target distance limit for the site. Determine whether these targets are subject to actual or potential contamination as follows:

- If a target is located, partially or wholly, within the area of observed sediment contamination, evaluate it as subject to actual contamination, except as otherwise specified for fisheries in section 4.1.3.3 and wetlands in section 4.1.4.3.1.1.
  - –If a drinking water target is subject to actual contamination, evaluate it using Level II concentrations.
  - –If a human food chain target or environmental target is subject to actual contamination, evaluate it using Level I or Level II concentrations, as appropriate (see sections 4.1.3.3 and 4.1.4.3.1).
- If a target is located, partially or wholly, within the target distance limit for the watershed, but not within the area of observed sediment contamination, evaluate it as subject to potential contamination.

4.1.1.3 *Evaluation of overland/flood migration component.* Evaluate the drinking water threat, human food chain threat, and environmental threat for each watershed for this component based on three factor categories: likelihood of release, waste characteristics, and targets. Figure 4–1 indicates the factors included within each factor category for each type of threat.

Determine the overland/flood migration component score (S_{of}) for a watershed in terms of the factor category values as follows:

$$S_{of} = \sum_{i=1}^{3} \frac{(LR_i)(WC_i)(T_i)}{SF}$$

where:

LR_i = Likelihood of release factor category value for threat i (that is, drinking water, human food chain, or environmental threat).

WC_i = Waste characteristics factor category value for threat i.

T_i = Targets factor category value for threat i.

SF = Scaling factor.

Table 4–1 outlines the specific calculation procedure.

If the site is in only one watershed, assign the overland/flood migration score for that watershed as the overland/flood migration component score for the site.

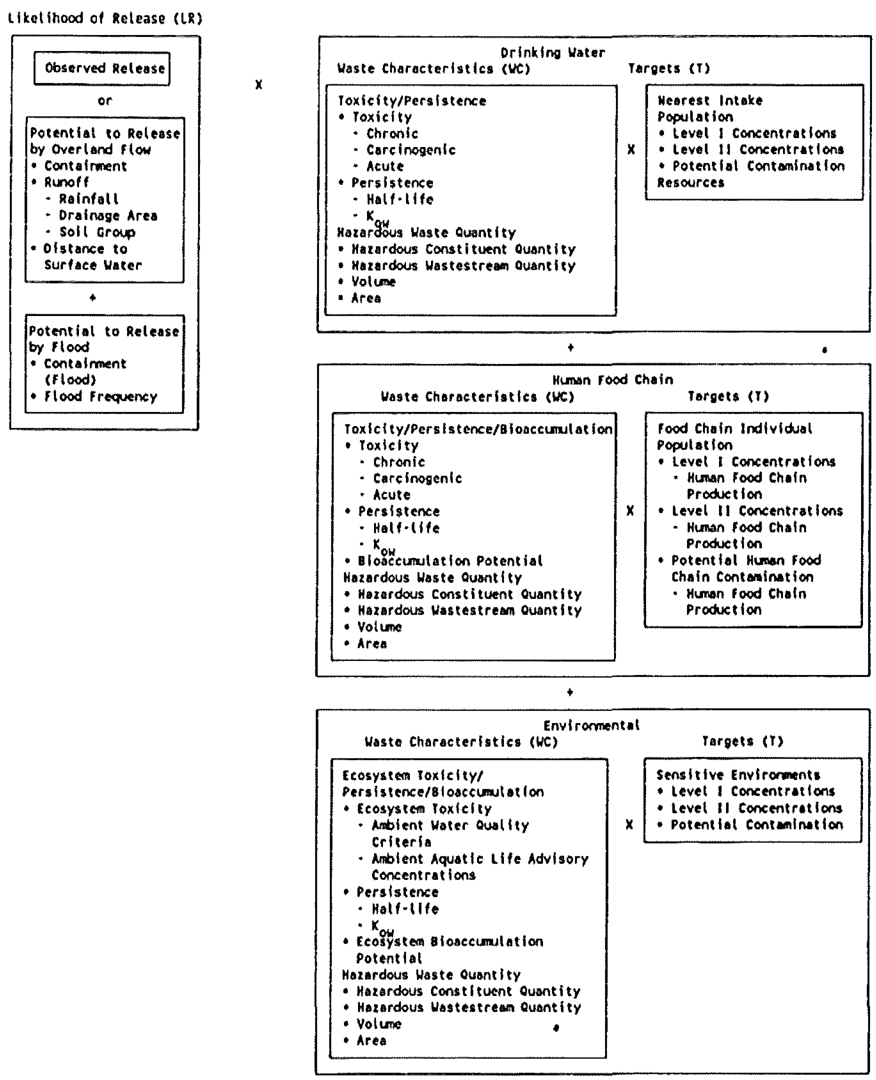


FIGURE 4-1
OVERVIEW OF SURFACE WATER OVERLAND/FLOOD MIGRATION COMPONENT

TABLE 4–1—SURFACE WATER OVERLAND/FLOOD MIGRATION COMPONENT SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Drinking Water Threat		
Likelihood of Release:		
1. Observed Release	550	____
2. Potential to Release by Overland Flow:		
2a. Containment	10	____
2b. Runoff	25	____
2c. Distance to Surface Water	25	____
2d. Potential to Release by Overland Flow (lines 2a[2b + 2c])	500	____
3. Potential to Release by Flood:		
3a. Containment (Flood)	10	____
3b. Flood Frequency	50	____
3c. Potential to Release by Flood (lines 3a × 3b)	500	____
4. Potential to Release (lines 2d + 3c, subject to a maximum of 500)	500	____
5. Likelihood of Release (higher of lines 1 and 4)	550	____
Waste Characteristics:		
6. Toxicity/Persistence	(a)	____
7. Hazardous Waste Quantity	(a)	____
8. Waste Characteristics	100	____
Targets:		
9. Nearest Intake	50	____
10. Population		
10a. Level I Concentrations	(b)	____
10b. Level II Concentrations	(b)	____
10c. Potential Contamination	(b)	____
10d. Population (lines 10a + 10b + 10c)	(b)	____
11. Resources	5	____
12. Targets (lines 9 + 10d + 11)	(b)	____
Drinking Water Threat Score:		
13. Drinking Water Threat Score ([lines 5 × 8 × 12]/82,500, subject to a maximum of 100)	100	____
Human Food Chain Threat		
Likelihood of Release:		
14. Likelihood of Release (same value as line 5)	550	____
Waste Characteristics:		
15. Toxicity/Persistence/Bioaccumulation	(a)	____
16. Hazardous Waste Quantity	(a)	____
17. Waste Characteristics	1,000	____
Targets:		
18. Food Chain Individual	50	____
19. Population		
19a. Level I Concentrations	(b)	____
19b. Level II Concentrations	(b)	____
19c. Potential Human Food Chain Contamination	(b)	____
19d. Population (lines 19a + 19b + 19c)	(b)	____
20. Targets (lines 18 + 19d)	(b)	____
Human Food Chain Threat Score:		
21. Human Food Chain Threat Score ([lines 14 × 17 × 20]/82,500, subject to a maximum of 100)	100	____
Environmental Threat		
Likelihood of Release:		
22. Likelihood of Release (same value as line 5)	550	____
Waste Characteristics:		
23. Ecosystem Toxicity/Persistence/Bioaccumulation	(a)	____
24. Hazardous Waste Quantity	(a)	____
25. Waste Characteristics	1,000	
Targets:		
26. Sensitive Environments.		
26a. Level I Concentrations	(b)	____
26b. Level II Concentrations	(b)	____
26c. Potential Contamination	(b)	____
26d. Sensitive Environments (lines 26a + 26b + 26c)	(b)	
27. Targets (value from line 26d)	(b)	
Environmental Threat Score:		
28. Environmental Threat Score ([lines 22 × 25 × 27]/82,500, subject to a maximum of 60)	60	____
Surface Water Overland/Flood Migration Component Score for a Watershed		
29. Watershed Score[c] (lines 13 + 21 + 28, subject to a maximum of 100)	100	____

TABLE 4–1—SURFACE WATER OVERLAND/FLOOD MIGRATION COMPONENT SCORESHEET—Continued

Factor categories and factors	Maximum value	Value assigned
Surface Water Overland/Flood Migration Component Score		
30. Component Score (S_{of})[c] (highest score from line 29 for all watersheds evaluated, subject to a maximum of 100)	100	____

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] Do not round to nearest integer.

If the site is in more than one watershed:

• Calculate a separate overland/flood migration component score for each watershed, using likelihood of release, waste characteristics, and targets applicable to each watershed.

• Select the highest overland/flood migration component score from the watersheds evaluated and assign it as the overland/flood migration component score for the site.

4.1.2 *Drinking water threat.* Evaluate the drinking water threat for each watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.1.2.1 *Drinking water threat—likelihood of release.* Evaluate the likelihood of release factor category for each watershed in terms of an observed release factor or a potential to release factor.

4.1.2.1.1 *Observed release.* Establish an observed release to surface water for a watershed by demonstrating that the site has released a hazardous substance to the surface water in the watershed. Base this demonstration on either:

• Direct observation:

–A material that contains one or more hazardous substances has been seen entering surface water through migration or is known to have entered surface water through direct deposition, or

–A source area has been flooded at a time that hazardous substances were present, and one or more hazardous substances were in contact with the flood waters, or

–When evidence supports the inference of a release of a material that contains one or more hazardous substances by the site to surface water, demonstrated adverse effects associated with that release may also be used to establish an observed release.

• Chemical analysis:

–Analysis of surface water, benthic, or sediment samples indicates that the concentration of hazardous substance(s) has increased significantly above the background concentration for the site for that type of sample (see section 2.3).

–Limit comparisons to similar types of samples and background concentrations—for example, compare surface water samples to surface water background concentrations.

–For benthic samples, limit comparisons to essentially sessile organisms.

–Some portion of the significant increase must be attributable to the site to establish the observed release, except: when the site itself consists of contaminated sediments with no identified source, no separate attribution is required.

If an observed release can be established for a watershed, assign an observed release factor value of 550 to that watershed, enter this value in table 4–1, and proceed to section 4.1.2.1.3. If no observed release can be established for the watershed, assign an observed release factor value of 0 to that watershed, enter this value in table 4–1, and proceed to section 4.1.2.1.2.

4.1.2.1.2 *Potential to release.* Evaluate potential to release only if an observed release cannot be established for the watershed. Evaluate potential to release based on two components: potential to release by overland flow (see section 4.1.2.1.2.1) and potential to release by flood (see section 4.1.2.1.2.2). Sum the values for these two components to obtain the potential to release factor value for the watershed, subject to a maximum value of 500.

4.1.2.1.2.1 *Potential to release by overland flow.* Evaluate potential to release by overland flow for the watershed based on three factors: containment, runoff, and distance to surface water.

Assign potential to release by overland flow a value of 0 for the watershed if:

• No overland segment of the hazardous substance migration path can be defined for the watershed, or

• The overland segment of the hazardous substance migration path for the watershed exceeds 2 miles before surface water is encountered.

If either condition applies, enter a value of 0 in table 4–1 and proceed to section 4.1.2.1.2.2 to evaluate potential to release by flood. If neither applies, proceed to section 4.1.2.1.2.1.1 to evaluate potential to release by overland flow.

4.1.2.1.2.1.1 *Containment.* Determine the containment factor value for the watershed as follows:

• If one or more sources is located in surface water in the watershed (for example, intact sealed drums in surface water), assign the containment factor a value of 10 for the watershed. Enter this value in table 4–1.

• If none of the sources is located in surface water in the watershed, assign a containment factor value from table 4–2 to each source at the site that can potentially release hazardous substances to the hazardous substance migration path for this watershed. Assign the containment factor value for the watershed as follows:

–Select the highest containment factor value assigned to those sources that meet the minimum size requirement described below. Assign this highest value as the containment factor value for the watershed. Enter this value in table 4–1.

–If, for this watershed, no source at the site meets the minimum size requirement, then select the highest containment factor value assigned to the sources at the site eligible to be evaluated for this watershed and assign it as the containment factor value for the watershed. Enter this value in table 4–1.

A source meets the minimum size requirement if its source hazardous waste quantity value (see section 2.4.2.1.5) is 0.5 or more. Do not include the minimum size requirement in evaluating any other factor of this surface water migration component, except potential to release by flood as specified in section 4.1.2.1.2.2.3.

4.1.2.1.2.1.2 *Runoff.* Evaluate runoff based on three components: rainfall, drainage area, and soil group.

TABLE 4–2—CONTAINMENT FACTOR VALUES FOR SURFACE WATER MIGRATION PATHWAY

Source	Assigned value
All Sources (Except Surface Impoundments, Land Treatment, Containers, and Tanks)	
Evidence of hazardous substance migration from source area (*i.e.*, source area includes source and any associated containment structures)..	10
No evidence of hazardous substance migration from source area *and:*	
(a) Neither of the following present: (1) maintained engineered cover, or (2) functioning and maintained run-on control system and runoff management system.	10
(b) Any one of the two items in (a) present	9
(c) Any two of the following present: (1) maintained engineered cover, or (2) functioning and maintained run-on control system and runoff management system, or (3) liner with functioning leachate collection and removal system immediately above liner.	7
(d) All items in (c) present	5
(e) All items in (c) present, plus no bulk or non-containerized liquids nor materials containing free liquids deposited in source area..	3
No evidence of hazardous substance migration from source area, double liner with functioning leachate collection and removal system above and between liners, *and:*	
(f) Only one of the following deficiencies present in containment: (1) bulk or noncontainerized liquids or materials containing free liquids deposited in source area, or (2) no or nonfunctioning or nonmaintained run-on control system and runoff management system, or (3) no or nonmaintained engineered cover.	3
(g) None of the deficiencies in (f) present.	0
Source area inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate is generated, liquids or materials containing free liquids not deposited in source area, and functioning and maintained run-on control present.	
Surface Impoundment	
Evidence of hazardous substance migration from surface impoundment	10
Free liquids present with either no diking, unsound diking, or diking that is not regularly inspected and maintained.	10
No evidence of hazardous substance migration from surface impoundment, free liquids present, sound diking that is regularly inspected and maintained, adequate freeboard, *and:*	
(a) No liner	9
(b) Liner	7
(c) Liner with functioning leachate collection and removal system below liner	5
(d) Double liner with functioning leachate collection and removal system between liners	3
No evidence of hazardous substance migration from surface impoundment and all free liquids eliminated at closure (either by removal of liquids or solidification of remaining wastes and waste residues).	Evaluate using **All Sources** criteria (with no bulk or free liquids deposited).
Land Treatment	
Evidence of hazardous substance migration from land treatment zone	10
No functioning and maintained run-on control and runoff management system	10
No evidence of hazardous substance migration from land treatment zone *and:*	
(a) Functioning and maintained run-on control and runoff management system	7
(b) Functioning and maintained run-on control and runoff management system, and vegetative cover established over entire land treatment area.	5

TABLE 4–2—CONTAINMENT FACTOR VALUES FOR SURFACE WATER MIGRATION PATHWAY—Continued

Source	Assigned value
(c) Land treatment area maintained in compliance with 40 CFR 264.280	0
Containers	
All containers buried	Evaluate using **All Sources** criteria.
Evidence of hazardous substance migration from container area (*i.e.*, container area includes containers and any associated containment structures).	10
No diking (or no similar structure) surrounding container area	10
Diking surrounding container area unsound or not regularly inspected and maintained	10
No evidence of hazardous substance migration from container area and container area surrounded by sound diking that is regularly inspected and maintained.	9
No evidence of hazardous substance migration from container area, container area surrounded by sound diking that is regularly inspected and maintained, *and:*	9
(a) Essentially impervious base under container area with liquids collection and removal system	7
(b) Containment system includes essentially impervious base, liquids collection system, sufficient capacity to contain 10 percent of volume of all containers, and functioning and maintained run-on control; and spilled or leaked hazardous substances and accumulated precipitation removed in timely manner to prevent overflow of collection system, at least weekly inspection of containers, hazardous substances in leaking or deteriorating containers transferred to containers in good condition, and containers sealed except when waste is added or removed.	5
(c) Free liquids present, containment system has sufficient capacity to hold total volume of all containers and to provide adequate freeboard, and single liner under container area with functioning leachate collection and removal system below liner.	5
(d) Same as (c) except: double liner under container area with functioning leachate collection and removal system between liners.	3
Containers inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate would be generated from any unsealed or ruptured containers, liquids or materials containing free liquids not deposited in any container, and functioning and maintained run-on control present.	0
No evidence of hazardous substance migration from container area, containers leaking, and all free liquids eliminated at closure (either by removal of liquids or solidification of remaining wastes and waste residues).	Evaluate using All Sources criteria (with no bulk or free liquids deposited).
Tank	
Below-ground tank	Evaluate using All Sources criteria
Evidence of hazardous substance migration from tank area (*i.e.*, tank area includes tank, ancillary equipment such as piping, and any associated containment structures).	10
No diking (or no similar structure) surrounding tank and ancillary equipment	10
Diking surrounding tank and ancillary equipment unsound or not regularly inspected and maintained	10
No evidence of hazardous substance migration from tank area and tank and ancillary equipment surrounded by sound diking that is regularly inspected and maintained.	9
No evidence of hazardous substance migration from tank area, tank and ancillary equipment surrounded by sound diking that is regularly inspected and maintained, *and:*	
(a) Tank and ancillary equipment provided with secondary containment (e.g., liner under tank area, vault system, double-wall) with leak detection and collection system.	7
(b) Tank and ancillary equipment provided with secondary containment system that detects and collects spilled or leaked hazardous substances and accumulated precipitation and has sufficient capacity to contain 110 percent of volume of largest tank within containment area, spilled or leaked hazardous substances and accumulated precipitation removed in a timely manner, at least weekly inspection of tank and secondary containment system, and all leaking or unfit-for-use tank systems promptly responded to.	5
(c) Containment system has sufficient capacity to hold total volume of all tanks within the tank containment area and to provide adequate freeboard, and single liner under tank containment area with functioning leachate collection and removal system below liner.	5
(d) Same as (c) except: double liner under tank containment area with functioning leachate collection and removal system between liners.	3
Tank is above ground, and inside or under maintained intact structure that provides protection from precipitation so that neither runoff nor leachate would be generated from any material released from tank, liquids or materials containing free liquids not deposited in any tank, and functioning and maintained run-on control present.	0

Rainfall. Determine the 2-year, 24-hour rainfall for the site. Use site-specific, 2-year, 24-hour rainfall data if records are available for at least 20 years. If such site-specific data are not available, estimate the 2-year, 24-hour rainfall for the site from a rainfall-frequency map. Do not round the rainfall value to the nearest integer.

Drainage area. Determine the drainage area for the sources at the site. Include in this drainage area both the source areas and the area upgradient of the sources, but exclude any portion of this drainage area for which runoff is diverted from entering the sources by storm sewers or run-on control and/or runoff management systems. Assign a drainage area value for the watershed from table 4–3.

Soil group. Based on the predominant soil group within the drainage area described above, assign a soil group designation for the watershed from table 4–4 as follows:

- Select the predominant soil group as that type which comprises the largest total area within the applicable drainage area.
- If a predominant soil group cannot be delineated, select that soil group in the drainage area that yields the highest value for the runoff factor.

Calculation of runoff factor value. Assign a combined rainfall/runoff value for the watershed from table 4–5, based on the 2-year, 24-hour rainfall and the soil group designation. Determine the runoff factor value for the watershed from table 4–6, based on the rainfall/runoff and drainage area values. Enter the runoff factor value in table 4–1.

TABLE 4–3—DRAINAGE AREA VALUES

Drainage area (acres)	Assigned value
Less than 50	1
50 to 250	2
Greater than 250 to 1,000	3
Greater than 1,000	4

TABLE 4–4—SOIL GROUP DESIGNATIONS

Surface soil description	Soil group designation
Coarse-textured soils with high infiltration rates (for example, sands, loamy sands).	A
Medium-textured soils with moderate infiltration rates (for example, sandy loams, loams).	B
Moderately fine-textured soils with low infiltration rates (for example, silty loams, silts, sandy clay loams).	C
Fine-textured soils with very low infiltration rates (for example, clays, sandy clays, silty clay loams, clay loams, silty clays); or impermeable surfaces (for example, pavement).	D

TABLE 4–5—RAINFALL/RUNOFF VALUES

2-Year, 24-hour rainfall (inches)	Soil group designation			
	A	B	C	D
Less than 1.0	0	0	2	3
1.0 to less than 1.5	0	1	2	3
1.5 to less than 2.0	0	2	3	4
2.0 to less than 2.5	1	2	3	4
2.5 to less than 3.0	2	3	4	4
3.0 to less than 3.5	2	3	4	5

TABLE 4–5—RAINFALL/RUNOFF VALUES—Continued

2-Year, 24-hour rainfall (inches)	Soil group designation			
	A	B	C	D
3.5 or greater	3	4	5	6

TABLE 4–6—RUNOFF FACTOR VALUES

Drainage area value	Rainfall/runoff value						
	0	1	2	3	4	5	6
1	0	0	0	1	1	1	1
2	0	0	1	1	2	3	4
3	0	0	1	3	7	11	15
4	0	1	2	7	17	25	25

4.1.2.1.2.1.3 *Distance to surface water.* Evaluate the distance to surface water as the shortest distance, along the overland segment, from any source with a surface water containment factor value greater than 0 to either the mean high water level for tidal waters or the mean water level for other surface waters. Based on this distance, assign a value from table 4–7 to the distance to surface water factor for the watershed. Enter this value in table 4–1.

4.1.2.1.2.1.4 *Calculation of factor value for potential to release by overland flow.* Sum the factor values for runoff and distance to surface water for the watershed and multiply this sum by the factor value for containment. Assign the resulting product as the factor value for potential to release by overland flow for the watershed. Enter this value in table 4–1.

4.1.2.1.2.2 *Potential to release by flood.* Evaluate potential to release by flood for each watershed as the product of two factors: containment (flood) and flood frequency. Evaluate potential to release by flood separately for each source that is within the watershed. Furthermore, for each source, evaluate potential to release by flood separately for each category of floodplain in which the source lies. (See section 4.1.2.1.2.2.2 for the applicable floodplain categories.) Calculate the value for the potential to release by flood factor as specified in 4.1.2.1.2.2.3.

4.1.2.1.2.2.1 *Containment (flood).* For each source within the watershed, separately evaluate the containment (flood) factor for each category of floodplain in which the source is partially or wholly located. Assign a containment (flood) factor value from table 4–8 to each floodplain category applicable to that source. Assign a containment (flood) factor value of 0 to each floodplain category in which the source does not lie.

4.1.2.1.2.2.2 *Flood frequency.* For each source within the watershed, separately evaluate the flood frequency factor for each category of floodplain in which the source is partially or wholly located. Assign a flood frequency factor value from table 4–9 to each floodplain category in which the source is located.

4.1.2.1.2.2.3 *Calculation of factor value for potential to release by flood.* For each source within the watershed and for each category of floodplain in which the source is partially or wholly located, calculate a separate potential to release by flood factor value. Calculate this value as the product of the containment (flood) value and the flood frequency value applicable to the source for the floodplain category. Select the highest value calculated for those sources that meet the minimum size requirement specified in section 4.1.2.1.2.1.1 and assign it as the value for the potential to release by flood factor for the watershed. However, if, for this watershed, no source at the site meets the minimum size requirement, select the highest value calculated for the sources at the site eligible to be evaluated for this watershed and assign it as the value for this factor.

TABLE 4–7—DISTANCE TO SURFACE WATER FACTOR VALUES

Distance	Assigned value
Less than 100 feet	25
100 feet to 500 feet	20
Greater than 500 feet to 1,000 feet	16
Greater than 1,000 feet to 2,500 feet	9
Greater than 2,500 feet to 1.5 miles	6
Greater than 1.5 miles to 2 miles	3

TABLE 4–8—CONTAINMENT (FLOOD) FACTOR VALUES

Containment criteria	Assigned value
Documentation that containment at the source is designed, constructed, operated, and maintained to prevent a washout of hazardous substances by the flood being evaluated	0
Other	10

TABLE 4–9—FLOOD FREQUENCY FACTOR VALUES

Floodplain category	Assigned value
Source floods annually	50
Source in 10-year floodplain	50
Source in 100-year floodplain	25
Source in 500-year floodplain	7
None of above	0

Enter this highest potential to release by flood factor value for the watershed in table 4–1, as well as the values for containment (flood) and flood frequency that yield this highest value.

4.1.2.1.2.3 *Calculation of potential to release factor value.* Sum the factor values assigned to the watershed for potential to release by overland flow and potential to release by flood. Assign this sum as the potential to release factor value for the watershed, subject to a maximum value of 500. Enter this value in table 4–1.

4.1.2.1.3 *Calculation of drinking water threat-likelihood of release factor category value.* If an observed release is established for the watershed, assign the observed release factor value of 550 as the likelihood of release factor category value for that watershed. Otherwise, assign the potential to release factor value for that watershed as the likelihood of release factor category value for that watershed. Enter the value assigned in table 4–1.

4.1.2.2 *Drinking water threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: toxicity/persistence and hazardous waste quantity. Evaluate only those hazardous substances that are available to migrate from the sources at the site to surface water in the watershed via the overland/flood hazardous substance migration path for the watershed (see section 4.1.1.1). Such hazardous substances include:

- Hazardous substances that meet the criteria for an observed release to surface water in the watershed.
- All hazardous substances associated with a source that has a surface water containment factor value greater than 0 for the watershed (see sections 2.2.2, 2.2.3, 4.1.2.1.2.1.1, and 4.1.2.1.2.2.1).

4.1.2.2.1 *Toxicity/persistence.* For each hazardous substance, assign a toxicity factor value, a persistence factor value, and a combined toxicity/persistence factor value as specified in sections 4.1.2.2.1.1 through 4.1.2.2.1.3. Select the toxicity/persistence factor value for the watershed as specified in section 4.1.2.2.1.3.

4.1.2.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1.

4.1.2.2.1.2 *Persistence.* Assign a persistence factor value to each hazardous substance. In assigning this value, evaluate persistence based primarily on the half-life of the hazardous substance in surface water and secondarily on the sorption of the hazardous substance to sediments. The half-life in surface water is defined for HRS purposes as the time required to reduce the initial concentration in surface water by one-half as a result of the combined decay processes of biodegradation, hydrolysis, photolysis, and volatilization. Sorption to sediments is evaluated for the HRS based on the logarithm of the n-octanol-water partition coefficient (log K_{ow}) of the hazardous substance.

Estimate the half-life ($t_{1/2}$) of a hazardous substance as follows:

$$t_{1/2} = \frac{1}{1/h + 1/b + 1/p + 1/v}$$

where:

h = Hydrolysis half-life.
b = Biodegradation half-life.
p = Photolysis half-life.
v = Volatilization half-life.

If one or more of these four component half-lives cannot be estimated for the hazardous substance from available data, delete that component half-life from the above equation. If none of these four component half-lives can be estimated for the hazardous substance from available data, use the default procedure indicated below. Estimate a half-life for the hazardous substance for lakes or for rivers, oceans, coastal tidal waters, and Great Lakes, as appropriate.

If a half-life can be estimated for a hazardous substance:

• Assign that hazardous substance a persistence factor value from the appropriate portion of table 4–10 (that is lakes; or rivers, oceans, coastal tidal waters, and Great Lakes).

• Select the appropriate portion of table 4–10 as follows:

–If there is one or more drinking water intakes along the hazardous substance migration path for the watershed, select the nearest drinking water intake as measured from the probable point of entry. If the in-water segment between the probable point of entry and this selected intake includes both lakes and other water bodies, use the lakes portion of table 4–10 only if more than half the distance to this selected intake lies in lake(s). Otherwise, use the rivers, oceans, coastal tidal waters, and Great Lakes portion of table 4–10. For contaminated sediments with no identified source, use the point where measurement begins (see section 4.1.1.2) rather than the probable point of entry.

–If there are no drinking water intakes but there are intakes or points of use for any of the resource types listed in section 4.1.2.3.3, select the nearest such intake or point of use. Select the portion of table 4–10 based on this intake or point of use in the manner specified for drinking water intakes.

–If there are no drinking water intakes and no specified resource intakes and points of use, but there is another type of resource listed in section 4.1.2.3.3 (for example, the water is usable for drinking water purposes even though not used), select the portion of table 4–10 based on the nearest point of this resource in the manner specified for drinking water intakes.

TABLE 4–10—PERSISTENCE FACTOR VALUES—HALF-LIFE

Surface water category	Substance half-life (days)	Assigned value[a]
Rivers, oceans, coastal tidal waters, and Great Lakes	Less than or equal to 0.2	0.0007
	Greater than 0.2 to 0.5	0.07
	Greater than 0.5 to 1.5	0.4
	Greater than 1.5	1
Lakes	Less than or equal to 0.02	0.0007
	Greater than 0.02 to 2	0.07
	Greater than 2 to 20	0.4
	Greater than 20	1

[a] Do not round to nearest integer.

If a half-life cannot be estimated for a hazardous substance from available data, use the following default procedure to assign a persistence factor value to that hazardous substance:

• For those hazardous substances that are metals (or metalloids), assign a persistence factor value of 1 as a default for all surface water bodies.

• For other hazardous substances (both organic and inorganic), assign a persistence factor value of 0.4 as a default for rivers, oceans, coastal tidal waters, and Great Lakes, and a persistence factor value of 0.07 as a default for lakes. Select the appropriate value in the same manner specified for using table 4–10.

Use the persistence factor value assigned based on half-life or the default procedure unless the hazardous substance can be assigned a higher factor value from Table 4–11, based on its Log K_{ow}. If a higher value can be assigned from table 4–11, assign this higher value as the persistence factor value for the hazardous substance.

TABLE 4–11—PERSISTENCE FACTOR VALUES—LOG K_{ow}

Log K_{ow}	Assigned value[a]
Less than 3.5	0.0007
3.5 to less than 4.0	0.07
4.0 to 4.5	0.4

TABLE 4-11—PERSISTENCE FACTOR VALUES—LOG K_{ow}—Continued

Log K_{ow}	Assigned value [a]
Greater than 4.5	1

[a] Use for lakes, rivers, oceans, coastal tidal waters, and Great Lakes. Do not round to nearest integer.

4.1.2.2.1.3 *Calculation of toxicity/persistence factor value.* Assign each hazardous substance a toxicity/persistence factor value from table 4-12, based on the values assigned to the hazardous substance for the toxicity and persistence factors. Use the hazardous substance with the highest toxicity/persistence factor value for the watershed to assign the toxicity/persistence factor value for the drinking water threat for the watershed. Enter this value in table 4-1.

4.1.2.2.2 *Hazardous waste quantity.* Assign a hazardous waste quantity factor value for the watershed as specified in section 2.4.2. Enter this value in table 4-1.

4.1.2.2.3 *Calculation of drinking water threat-waste characteristics factor category value.* Multiply the toxicity/persistence and hazardous waste quantity factor values for the watershed, subject to a maximum product of 1×10^8. Based on this product, assign a value from table 2-7 (section 2.4.3.1) to the drinking water threat-waste characteristics factor category for the watershed. Enter this value in table 4-1.

TABLE 4-12—TOXICITY/PERSISTENCE FACTOR VALUES [a]

Persistence factor value	Toxicity factor value					
	10,000	1,000	100	10	1	0
1.0	10,000	1,000	100	10	1	0
0.4	4,000	400	40	4	0.4	0
0.07	700	70	7	0.7	0.07	0
0.0007	7	0.7	0.07	0.007	0.0007	0

[a] Do not round to nearest integer.

4.1.2.3 *Drinking water threat-targets.* Evaluate the targets factor category for each watershed based on three factors: nearest intake, population, and resources.

To evaluate the nearest intake and population factors, determine whether the target surface water intakes are subject to actual or potential contamination as specified in section 4.1.1.2. Use either an observed release based on direct observation at the intake or the exposure concentrations from samples (or comparable samples) taken at or beyond the intake to make this determination (see section 4.1.2.1.1). The exposure concentrations for a sample (that is, surface water, benthic, or sediment sample) consist of the concentrations of those hazardous substances present that are significantly above background levels and attributable at least in part to the site (that is, those hazardous substance concentrations that meet the criteria for an observed release).

When an intake is subject to actual contamination, evaluate it using Level I concentrations or Level II concentrations. If the actual contamination is based on an observed release by direct observation, use Level II concentrations for that intake. However, if the actual contamination is based on an observed release from samples, determine which level applies for the intake by comparing the exposure concentrations from samples (or comparable samples) to health-based benchmarks as specified in sections 2.5.1 and 2.5.2. Use the health-based benchmarks from table 3-10 (section 3.3.1) in determining the level of contamination from samples. For contaminated sediments with no identified source, evaluate the actual contamination using Level II concentrations (see section 4.1.1.2).

4.1.2.3.1 *Nearest intake.* Evaluate the nearest intake factor based on the drinking water intakes along the overland/flood hazardous substance migration path for the watershed. Include standby intakes in evaluating this factor only if they are used for supply at least once a year.

Assign the nearest intake factor a value as follows and enter the value in table 4-1:

- If one or more of these drinking water intakes is subject to Level I concentrations as specified in section 4.1.2.3, assign a factor value of 50.
- If not, but if one or more of these drinking water intakes is subject to Level II concentrations, assign a factor value of 45.
- If none of these drinking water intakes is subject to Level I or Level II concentrations, determine the nearest of these drinking water intakes, as measured from the probable point of entry (or from the point where measurement begins for contaminated sediments with no identified source). Assign a dilution weight from table 4-13 to this intake, based on the type of surface water body in which it is located. Multiply this dilution weight by 20, round the product to the nearest integer, and assign it as the factor value.

Assign the dilution weight from table 4-13 as follows:

TABLE 4–13—SURFACE WATER DILUTION WEIGHTS

Type of surface water body[a]		Assigned dilution weight[b]
Descriptor	Flow characteristics	
Minimal stream	Less than 10 cfs[c]	1
Small to moderate stream	10 to 100 cfs	0.1
Moderate to large stream	Greater than 100 to 1,000 cfs	0.01
Large stream to river	Greater than 1,000 to 10,000 cfs	0.001
Large river	Greater than 10,000 to 100,000 cfs	0.0001
Very large river	Greater than 100,000 cfs	0.00001
Coastal tidal waters[d]	Flow not applicable, depth not applicable	0.0001
Shallow ocean zone[e] or Great Lake	Flow not applicable, depth less than 20 feet	0.0001
Moderate depth ocean zone[e] or Great Lake	Flow not applicable, depth 20 to 200 feet	0.00001
Deep ocean zone[e] or Great Lake	Flow not applicable, depth greater than 200 feet	0.000005
3-mile mixing zone in quiet flowing river	10 cfs or greater	0.5

[a] Treat each lake as a separate type of water body and assign a dilution weight as specified in text.
[b] Do not round to nearest integer.
[c] cfs = cubic feet per second.
[d] Embayments, harbors, sounds, estuaries, back bays, lagoons, wetlands, etc., seaward from mouths of rivers and landward from baseline of Territorial Sea.
[e] Seaward from baseline of Territorial Sea. This baseline represents the generalized U.S. coastline. It is parallel to the seaward limit of the Territorial Sea and other maritime limits such as the inner boundary of the Federal fisheries jurisdiction and the limit of States jurisdiction under the Submerged Lands Act, as amended.

• For a river (that is, surface water body types specified in table 4–13 as minimal stream through very large river), assign a dilution weight based on the average annual flow in the river at the intake. If available, use the average annual discharge as defined in the U.S. Geological Survey Water Resources Data Annual Report. Otherwise, estimate the average annual flow.

• For a lake, assign a dilution weight as follows:

–For a lake that has surface water flow entering the lake, assign a dilution weight based on the sum of the average annual flows for the surface water bodies entering the lake up to the point of the intake.

–For a lake that has no surface water flow entering, but that does have surface water flow leaving, assign a dilution weight based on the sum of the average annual flows for the surface water bodies leaving the lake.

–For a closed lake (that is, a lake without surface water flow entering or leaving), assign a dilution weight based on the average annual ground water flow into the lake, if available, using the dilution weight for the corresponding river flow rate in table 4–13. If not available, assign a default dilution weight of 1.

• For the ocean and the Great Lakes, assign a dilution weight based on depth.

• For coastal tidal waters, assign a dilution weight of 0.0001; do not consider depth or flow.

• For a quiet-flowing river that has average annual flow of 10 cubic feet per second (cfs) or greater and that contains the probable point of entry to surface water, apply a zone of mixing in assigning the dilution weight:

–Start the zone of mixing at the probable point of entry and extend it for 3 miles from the probable point of entry, except: if the surface water characteristics change to turbulent within this 3-mile distance, extend the zone of mixing only to the point at which the change occurs.

–Assign a dilution weight of 0.5 to any intake that lies within this zone of mixing.

–Beyond this zone of mixing, assign a dilution weight the same as for any other river (that is, assign the dilution weight based on average annual flow).

–Treat a quiet-flowing river with an average annual flow of less than 10 cfs the same as any other river (that is, assign it a dilution weight of 1).

In those cases where water flows from a surface water body with a lower assigned dilution weight (from table 4–13) to a surface water body with a higher assigned dilution weight (that is, water flows from a surface water body with more dilution to one with less dilution), use the lower assigned dilution weight as the dilution weight for the latter surface water body.

4.1.2.3.2 *Population.* In evaluating the population factor, include only persons served by drinking water drawn from intakes that are along the overland/flood hazardous substance migration path for the watershed and that are within the target distance limit specified in section 4.1.1.2. Include residents, students, and workers who regularly use the water. Exclude transient populations such as customers and travelers passing through the area. When a standby intake is maintained on a regular basis so that water can be withdrawn, include it in evaluating the population factor.

In estimating residential population, when the estimate is based on the number of residences, multiply each residence by the average number of persons per residence for the county in which the residence is located.

In estimating the population served by an intake, if the water from the intake is blended with other water (for example, water from other surface water intakes or ground water wells), apportion the total population regularly served by the blended system to the intake based on the intake's relative contribution to the total blended system. In estimating the intake's relative contribution, assume each well or intake contributes equally and apportion the population accordingly, except: if the relative contribution of any one intake or well exceeds 40 percent based on average annual pumpage or capacity, estimate the relative contribution of the wells and intakes considering the following data, if available:

• Average annual pumpage from the ground water wells and surface water intakes in the blended system.

• Capacities of the wells and intakes in the blended system.

For systems with standby surface water intakes or standby ground water wells, apportion the total population regularly served by the blended system as described above, except:

• Exclude standby ground water wells in apportioning the population.

• When using pumpage data for a standby surface water intake, use average pumpage for the period during which the standby intake is used rather than average annual pumpage.

• For that portion of the total population that could be apportioned to a standby surface water intake, assign that portion of the population either to that standby intake or to the other surface water intake(s) and ground water well(s) that serve that population; do not assign that portion of the population both to the standby intake and to the other intake(s) and well(s) in the blended system. Use the apportioning that results in the highest population factor value. (Either include all standby intake(s) or exclude some or all of the standby intake(s) as appropriate to obtain this highest value.) Note that the specific standby intake(s) included or excluded and, thus, the specific apportioning may vary in evaluating different watersheds and in evaluating the ground water pathway.

4.1.2.3.2.1 *Level of contamination.* Evaluate the population factor based on three factors: Level I concentrations, Level II concentrations, and potential contamination. Determine which factor applies for an intake as specified in section 4.1.2.3. Evaluate intakes subject to Level I concentration as specified in section 4.1.2.3.2.2, intakes subject to Level II concentration as specified in section 4.1.2.3.2.3, and intakes subject to potential contamination as specified in section 4.1.2.3.2.4.

For the potential contamination factor, use population ranges in evaluating the factor as specified in section 4.1.2.3.2.4. For the Level I and Level II concentrations factors, use the population estimate, not population ranges, in evaluating both factors.

4.1.2.3.2.2 *Level I concentrations.* Sum the number of people served by drinking water from intakes subject to Level I concentrations. Multiply this sum by 10. Assign this product as the value for this factor. Enter this value in table 4–1.

4.1.2.3.2.3 *Level II concentrations.* Sum the number of people served by drinking water from intakes subject to Level II concentrations. Do not include people already counted under the Level I concentrations factor. Assign this sum as the value for this factor. Enter this value in table 4–1.

4.1.2.3.2.4 *Potential contamination.* For each applicable type of surface water body in table 4–14, first determine the number of people served by drinking water from intakes subject to potential contamination in that type of surface water body. Do not include those people already counted under the Level I and Level II concentrations factors.

TABLE 4–14—DILUTION-WEIGHTED POPULATION VALUES FOR POTENTIAL CONTAMINATION FACTOR FOR SURFACE WATER MIGRATION PATHWAY[A]

Type of surface water body[b]	Number of people												
	0	1 to 10	11 to 30	31 to 100	101 to 300	301 to 1,000	1,001 to 3,000	3,001 to 10,000	10,001 to 30,000	30,001 to 100,000	100,001 to 300,000	300,001 to 1,000,000	1,000,001 to 3,000,000	3,000,001 to 10,000,000
Minimal stream (<10 cfs) ...	0	4	17	53	164	522	1,633	5,214	16,325	52,137	163,246	521,360	1,632,455	5,213,590
Small to moderate stream (10 to 100 cfs)	0	0.4	2	5	16	52	163	521	1,633	5,214	16,325	52,136	163,245	521,359
Moderate to large stream (>100 to 1,000 cfs)	0	0.04	0.2	0.5	2	5	16	52	163	521	1,633	5,214	16,325	52,136
Large stream to river (>1,000 to 10,000 cfs)	0	0.004	0.02	0.05	0.2	0.5	2	5	16	52	163	521	1,632	5,214
Large river (>10,000 to 100,000 cfs)	0	0	0.002	0.005	0.02	0.05	0.2	0.5	2	5	16	52	163	521
Very large river (>100,000 cfs)	0	0	0	0.001	0.002	0.005	0.02	0.05	0.2	0.5	2	5	16	52
Shallow ocean zone or Great Lake (depth <20 feet)	0	0	0.002	0.005	0.02	0.05	0.2	0.5	2	5	16	52	163	521
Moderate ocean zone or Great Lake (depth 20 to 200 feet)	0	0	0	0.001	0.002	0.005	0.02	0.05	0.2	0.5	2	5	16	52
Deep ocean zone or Great Lakes (depth >200 feet)	0	0	0	0	0.001	0.003	0.008	0.03	0.08	0.3	1	3	8	26
3-mile mixing zone in quiet flowing river (≥10 cfs)	0	2	9	26	82	261	817	2,607	8,163	26,068	81,623	260,680	816,227	2,606,795

[a] Round the number of people to nearest integer. Do not round the assigned dilution-weighted population value to nearest integer.

[b] Treat each lake as a separate type of water body and assign it a dilution-weighted population value using the surface water body type with the same dilution-weighted from table 4–13 as the lake. If drinking water is withdrawn from coastal tidal water or the ocean, assign a dilution-weighted population value to it using the surface water body type with the same dilution weight from table 4–13 as the coastal tidal water or the ocean zone.

For each type of surface water body, assign a dilution-weighted population value from table 4–14, based on the number of people included for that type of surface water body. (Note that the dilution-weighted population values in table 4–14 incorporate the dilution weights from table 4–13. Do not multiply the values from table 4–14 by these dilution weights.)

Calculate the value for the potential contamination factor (PC) for the watershed as follows:

$$PC = \frac{1}{10}\sum_{i=1}^{n}(W_i)$$

where:

W_i = Dilution-weighted population from table 4–14 for surface water body type i.

n = Number of different surface water body types in the watershed.

If PC is less than 1, do not round it to the nearest integer; if PC is 1 or more, round to the nearest integer. Enter this value for the potential contamination factor in table 4–1.

4.1.2.3.2.5 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and potential contamination. Do not round this sum to the nearest integer. Assign this sum as the population factor value for the watershed. Enter this value in table 4–1.

4.1.2.3.3 *Resources.* To evaluate the resources factor for the watershed, select the highest value below that applies to the watershed. Assign this value as the resources factor value for the watershed. Enter this value in table 4–1.

Assign a value of 5 if, within the in-water segment of the hazardous substance migration path for the watershed, the surface water is used for one or more of the following purposes:

• Irrigation (5 acre minimum) of commercial food crops or commercial forage crops.

• Watering of commercial livestock.

• Ingredient in commercial food preparation.

• Major or designated water recreation area, excluding drinking water use.

Assign a value of 5 if, within the in-water segment of the hazardous substance migration path for the watershed, the surface water is not used for drinking water, but either of the following applies:

• Any portion of the surface water is designated by a State for drinking water use under section 305(a) of the Clean Water Act, as amended.

• Any portion of the surface water is usable for drinking water purposes.

Assign a value of 0 if none of the above applies.

4.1.2.3.4 *Calculation of drinking water threat-targets factor category value.* Sum the nearest intake, population, and resources factor values for the watershed. Do not round this sum to the nearest integer. Assign this sum as the drinking water threat-targets factor category value for the watershed. Enter this value in table 4–1.

4.1.2.4 *Calculation of the drinking water threat score for a watershed.* Multiply the drinking water threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 100, as the drinking water threat score for the watershed. Enter this value in table 4–1.

4.1.3 *Human food chain threat.* Evaluate the human food chain threat for each watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.1.3.1 *Human food chain threat-likelihood of release.* Assign the same likelihood of release factor category value for the human food chain threat for the watershed as would be assigned in section 4.1.2.1.3 for the drinking water threat. Enter this value in table 4–1.

4.1.3.2 *Human food chain threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: toxicity/persistence/bioaccumulation and hazardous waste quantity.

4.1.3.2.1 *Toxicity/persistence/bioaccumulation.* Evaluate all those hazardous substances eligible to be evaluated for toxicity/persistence in the drinking water threat for the watershed (see section 4.1.2.2).

4.1.3.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1.

4.1.3.2.1.2 *Persistence.* Assign a persistence factor value to each hazardous substance as specified for the drinking water threat (see section 4.1.2.2.1.2), except: use the predominant water category (that is, lakes; or rivers, oceans, coastal tidal waters, or Great Lakes) between the probable point of entry and the nearest fishery (not the nearest drinking water or resources intake) along the hazardous substance migration path for the watershed to determine which portion of table 4–10 to use. Determine the predominant water category based on distance as specified in section 4.1.2.2.1.2. For contaminated sediments with no identified source, use the point where measurement begins rather than the probable point of entry.

4.1.3.2.1.3 *Bioaccumulation potential.* Use the following data hierarchy to assign a bioaccumulation potential factor value to each hazardous substance:

• Bioconcentration factor (BCF) data.

• Logarithm of the n-octanol-water partition coefficient (log K_{ow}) data.

• Water solubility data.

Assign a bioaccumulation potential factor value to each hazardous substance from table 4–15.

If BCF data are available for any aquatic human food chain organism for the substance being evaluated, assign the bioaccumulation potential factor value to the hazardous substance as follows:

• If BCF data are available for both fresh water and salt water for the hazardous substance, use the BCF data that correspond to the type of water body (that is, fresh water or salt water) in which the fisheries are located to assign the bioaccumulation potential factor value to the hazardous substance.

• If, however, some of the fisheries being evaluated are in fresh water and some are in salt water, or if any are in brackish water, use the BCF data that yield the higher factor value to assign the bioaccumulation potential factor value to the hazardous substance.

• If BCF data are available for either fresh water or salt water, but not for both, use the available BCF data to assign the bioaccumulation potential factor value to the hazardous substance.

If BCF data are not available for the hazardous substance, use log K_{ow} data to assign a bioaccumulation potential factor value to organic substances, but not to inorganic substances. If BCF data are not available, and if either log K_{ow} data are not available, the log K_{ow} is available but exceeds 6.0, or the substance is an inorganic substance, use water solubility data to assign a bioaccumulation potential factor value.

TABLE 4–15—BIOACCUMULATION POTENTIAL FACTOR VALUES [A]

If bioconcentration factor (BCF) data are available for any aquatic human food chain organism, assign a value as follows: [b]

BCF	Assigned value
Greater than or equal to 10,000	50,000
1,000 to less than 10,000	5,000
100 to less than 1,000	500
10 to less than 100	50
1 to less than 10	5
Less than 1	0.5

If BCF data are not available, and log K_{ow} data are available and do not exceed 6.0, assign a value to an organic hazardous substance as follows (for inorganic hazardous substances, skip this step and proceed to the next):

Log K_{ow}	Assigned value
5.5 to 6.0	50,000
4.5 to less than 5.5	5,000
3.2 to less than 4.5	500
2.0 to less than 3.2	50
0.8 to less than 2.0	5
Less than 0.8	0.5

If BCF data are not available, and if either Log K_{ow} data are not available, a log K_{ow} is available but exceeds 6.0, or the substance is an inorganic substance, assign a value as follows:

TABLE 4–15—BIOACCUMULATION POTENTIAL FACTOR VALUES [A]—CONCLUDED

Water solubility (mg/l)	Assigned value
Less than 25	50,000
25 to 500	5,000
Greater than 500 to 1,500	500
Greater than 1,500	0.5

If none of these data are available, assign a value of 0.5.

[a] Do not round to nearest integer.
[b] See text for use of freshwater and saltwater BCF data.

Do not distinguish between fresh water and salt water in assigning the bioaccumulation potential factor value based on log K_{ow} or water solubility data.

If none of these data are available, assign the hazardous substance a bioaccumulation potential factor value of 0.5.

4.1.3.2.1.4 *Calculation of toxicity/persistence/bioaccumulation factor value.* Assign each hazardous substance a toxicity/persistence factor value from table 4–12, based on the values assigned to the hazardous substance for the toxicity and persistence factors. Then assign each hazardous substance a toxicity/persistence/bioaccumulation factor value from table 4–16, based on the values assigned for the toxicity/persistence and bioaccumulation potential factors. Use the hazardous substance with the highest toxicity/persistence/bioaccumulation factor value for the watershed to assign the value to this factor. Enter this value in table 4–1.

TABLE 4–16—TOXICITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [A]

Toxicity persistence factor value	Bioaccumulation potential factor value					
	50,000	5,000	500	50	5	0.5
10,000	5×10^8	5×10^7	5×10^6	5×10^5	5×10^4	5,000
4,000	2×10^8	2×10^7	2×10^6	2×10^5	2×10^4	2,000
1,000	5×10^7	5×10^6	5×10^5	5×10^4	5,000	500
700	3.5×10^7	3.5×10^6	3.5×10^5	3.5×10^4	3,500	350
400	2×10^7	2×10^6	2×10^5	2×10^4	2,000	200
100	5×10^6	5×10^5	5×10^4	5,000	500	50

TABLE 4–16—TOXICITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [a]—Continued

Toxicity persistence factor value	Bioaccumulation potential factor value					
	50,000	5,000	500	50	5	0.5
70	3.5×10^6	3.5×10^5	3.5×10^4	3,500	350	35
40	2×10^6	2×10^5	2×10^4	2,000	200	20
10	5×10^5	5×10^4	5,000	500	50	5
7	3.5×10^5	3.5×10^4	3,500	350	35	3.5
4	2×10^5	2×10^4	2,000	200	20	2
1	5×10^4	5,000	500	50	5	0.5
0.7	3.5×10^4	3,500	350	35	3.5	0.35
0.4	2×10^4	2,000	200	20	2	0.2
0.07	3,500	350	35	3.5	0.35	0.035
0.007	350	35	3.5	0.35	0.035	0.0035
0.0007	35	3.5	0.35	0.035	0.0035	0.00035
0	0	0	0	0	0	0

[a] Do not round to nearest integer.

4.1.3.2.2 *Hazardous waste quantity.* Assign the same factor value for hazardous waste quantity for the watershed as would be assigned in section 4.1.2.2.2 for the drinking water threat. Enter this value in table 4–1.

4.1.3.2.3 *Calculation of human food chain threat-waste characteristics factor category value.* For the hazardous substance selected for the watershed in section 4.1.3.2.1.4, use its toxicity/persistence factor value and bioaccumulation potential factor value as follows to assign a value to the waste characteristics factor category. First, multiply the toxicity/persistence factor value and the hazardous waste quantity factor value for the watershed, subject to a maximum product of 1×10^8. Then multiply this product by the bioaccumulation potential factor value for this hazardous substance, subject to a maximum product of 1×10^{12}. Based on this second product, assign a value from Table 2–7 (section 2.4.3.1) to the human food chain threat-waste characteristics factor category for the watershed. Enter this value in table 4–1.

4.1.3.3 *Human food chain threat-targets.* Evaluate two target factors for each watershed: food chain individual and population. For both factors, determine whether the target fisheries are subject to actual or potential human food chain contamination.

Consider a fishery (or portion of a fishery) within the target distance limit of the watershed to be subject to actual human food chain contamination if any of the following apply:

• A hazardous substance having a bioaccumulation potential factor value of 500 or greater is present either in an observed release by direct observation to the watershed or in a surface water or sediment sample from the watershed at a level that meets the criteria for an observed release to the watershed from the site, and at least a portion of the fishery is within the boundaries of the observed release (that is, it is located either at the point of direct observation or at or between the probable point of entry and the most distant sampling point establishing the observed release).

• The fishery is closed, and a hazardous substance for which the fishery has been closed has been documented in an observed release to the watershed from the site, and at least a portion of the fishery is within the boundaries of the observed release.

• A hazardous substance is present in a tissue sample from an essentially sessile, benthic, human food chain organism from the watershed at a level that meets the criteria for an observed release to the watershed from the site, and at least a portion of the fishery is within the boundaries of the observed release.

For a fishery that meets any of these three criteria, but that is not wholly within the boundaries of the observed release, consider only the portion of the fishery that is within the boundaries of the observed release to be subject to actual human food chain contamination. Consider the remainder of the fishery within the target distance limit to be subject to potential food chain contamination.

In addition, consider all other fisheries that are partially or wholly within the target distance limit for the watershed, including fisheries partially or wholly within the boundaries of an observed release for the watershed that do not meet any of the three criteria listed above, to be subject to potential human food chain contamination. If only a portion of the fishery is within the target distance limit for the watershed, include only that portion in evaluating the targets factor category.

When a fishery (or portion of a fishery) is subject to actual food chain contamination, determine the part of the fishery subject to Level I concentrations and the part subject to Level II concentrations. If the actual food chain contamination is based on direct observation, evaluate it using Level II concentrations. However, if the actual food chain contamination is based on samples from the watershed, use these samples and, if available, additional tissue samples from aquatic human food chain organisms as specified below, to determine the part subject to Level I concentrations and the part subject to Level II concentrations:

• Determine the level of actual contamination from samples (including tissue samples from essentially sessile, benthic organisms) that meet the criteria for actual food chain contamination by comparing the exposure concentrations (see section 4.1.2.3) from these samples (or comparable samples) to the health-based benchmarks from table 4–17, as described in section 2.5.1 and 2.5.2. Use only the exposure concentrations for those hazardous substances in the sample (or comparable samples) that meet the criteria for actual contamination of the fishery.

• In addition, determine the level of actual contamination from other tissue samples by comparing the concentrations of hazardous substances in the tissue samples (or comparable tissue samples) to the health-based benchmarks from table 4–17, as described in sections 2.5.1 and 2.5.2. Use only those additional tissue samples and only those hazardous substances in the tissue samples that meet all the following criteria:

–The tissue sample is from a location that is within the boundaries of the actual food chain contamination for the site (that is, either at the point of direct observation or at or between the probable point of entry and the most distant sample point meeting the criteria for actual food chain contamination).

–The tissue sample is from a species of aquatic human food chain organism that spends extended periods of time within the boundaries of the actual food chain contamination for the site and that is not an essentially sessile, benthic organism.

–The hazardous substance is a substance that is also present in a surface water, benthic, or sediment sample from within the target distance limit for the watershed and, for such a sample, meets the criteria for actual food chain contamination.

TABLE 4–17—HEALTH-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN HUMAN FOOD CHAIN

• Concentration corresponding to Food and Drug Administration Action Level (FDAAL) for fish or shellfish.

• Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for oral exposures.

• Screening concentration for noncancer toxicological responses corresponding to the Reference Dose (RfD) for oral exposures.

4.1.3.3.1 *Food chain individual.* Evaluate the food chain individual factor based on the fisheries (or portions of fisheries) within the target distance limit for the watershed. Assign this factor a value as follows:

• If any fishery (or portion of a fishery) is subject to Level I concentrations, assign a value of 50.

• If not, but if any fishery (or portion of a fishery) is subject to Level II concentrations, assign a value of 45.

• If not, but if there is an observed release of a hazardous substance having a bioaccumulation potential factor value of 500 or greater to surface water in the watershed and there is a fishery (or portion of a fishery) present anywhere within the target distance limit, assign a value of 20.

• If there is no observed release to surface water in the watershed or there is no observed release of a hazardous substance having a bioaccumulation potential factor value of 500 or greater, but there is a fishery (or portion of a fishery) present anywhere within the target distance limit, assign a value as follows:

–Using table 4–13, determine the highest dilution weight (that is, lowest amount of dilution) applicable to the fisheries (or portions of fisheries) within the target distance limit. Multiply this dilution weight by 20 and round to the nearest integer.

–Assign this calculated value as the factor value.

• If there are no fisheries (or portions of fisheries) within the target distance limit of the watershed, assign a value of 0.

Enter the value assigned in table 4–1.

4.1.3.3.2 *Population.* Evaluate the population factor for the watershed based on three factors: Level I concentrations, Level II concentrations, and potential human food chain contamination. Determine which factor applies for a fishery (or portion of a fishery) as specified in section 4.1.3.3.

4.1.3.3.2.1 *Level I concentrations.* Determine those fisheries (or portions of fisheries) within the watershed that are subject to Level I concentrations.

Estimate the human food chain population value for each fishery (or portion of a fishery) as follows:

• Estimate human food chain production for the fishery based on the estimated annual production (in pounds) of human food chain organisms (for example, fish, shellfish) for that fishery, except: if the fishery is closed and a hazardous substance for which the fishery has been closed has been documented in an observed release to the fishery from a source at the site, use the estimated annual production for the period prior to closure of the fishery or use the estimated annual production from comparable fisheries that are not closed.

• Assign the fishery a value for human food chain population from table 4–18, based on the estimated human food production for the fishery.

• Set boundaries between fisheries at those points where human food chain production changes or where the surface water dilution weight changes.

Sum the human food chain population value for each fishery (and portion of a fishery). Multiply this sum by 10. If the product is less than 1, do not round it to the nearest integer; if 1 or more, round to the nearest integer. Assign the resulting value as the Level I concentrations factor value. Enter this value in table 4–1.

4.1.3.3.2.2 *Level II concentrations.* Determine those fisheries (or portions of fisheries) within the watershed that are subject to Level II concentrations. Do not include any fisheries (or portions of fisheries) already counted under the Level I concentrations factor.

Assign each fishery (or portion of a fishery) a value for human food chain population from table 4–18, based on the estimated human food production for the fishery. Estimate the human food chain production for the fishery as specified in section 4.1.3.3.2.1.

Sum the human food chain population value for each fishery (and portion of a fishery). If this sum is less than 1, do not round it to the nearest integer; if 1 or more, round to the nearest integer. Assign the resulting value as the Level II concentrations factor value. Enter this value in table 4–1.

TABLE 4–18—HUMAN FOOD CHAIN POPULATION VALUES [a]

Human food chain production (pounds per year)	Assigned human food chain population value
0	0
Greater than 0 to 100	0.03
Greater than 100 to 1,000	0.3
Greater than 1,000 to 10,000	3
Greater than 10,000 to 100,000	31
Greater than 100,000 to 1,000,000	310
Greater than 10^6 to 10^7	3,100
Greater than 10^7 to 10^8	31,000
Greater than 10^8 to 10^9	310,000
Greater than 10^9	3,100,000

[a] Do not round to nearest integer.

4.1.3.3.2.3 *Potential human food chain contamination.* Determine those fisheries (or portions of fisheries) within the watershed that are subject to potential human food chain contamination. Do not include those fisheries (or portion of fisheries) already counted under the Level I or Level II concentrations factors.

Calculate the value for the potential human food chain contamination factor (PF) for the watershed as follows:

$$PF = \frac{1}{10}\sum_{i=1}^{n} P_i D_i$$

where:

P_i = Human food chain population value for fishery i.

D_i = Dilution weight from table 4–13 for fishery i.

n = Number of fisheries subject to potential human food chain contamination.

In calculating PF:

• Estimate the human food chain population value (P_i) for a fishery (or portion of a fishery) as specified in section 4.1.3.3.2.1.

• Assign the fishery (or portion of a fishery) a dilution weight as indicated in table 4–13 (section 4.1.2.3.1), except: do not assign a dilution weight of 0.5 for a "3-mile mixing zone in quiet flowing river"; instead assign a dilution weight based on the average annual flow.

If PF is less than 1, do not round it to the nearest integer; if PF is 1 or more, round to the nearest integer. Enter the value assigned in table 4–1.

4.1.3.3.2.4 *Calculation of population factor value.* Sum the values for the Level I concentrations, Level II concentrations, and potential human food chain contamination factors for the watershed. Do not round this sum to the nearest integer. Assign it as the population factor value for the watershed. Enter this value in table 4–1.

4.1.3.3.3 *Calculation of human food chain threat-targets factor category value.* Sum the food chain individual and population factor values for the watershed. Do not round this sum to the nearest integer. Assign it as the human food chain threat-targets factor category value for the watershed. Enter this value in table 4–1.

4.1.3.4 *Calculation of human food chain threat score for a watershed.* Multiply the human food chain threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 100, as the human food chain threat score for the watershed. Enter this score in table 4–1.

4.1.4 *Environmental threat.* Evaluate the environmental threat for the watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.1.4.1 *Environmental threat-likelihood of release.* Assign the same likelihood of release factor category value for the environmental threat for the watershed as would be assigned in section 4.1.2.1.3 for the drinking water threat. Enter this value in table 4–1.

4.1.4.2 *Environmental threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: ecosystem toxicity/persistence/bioaccumulation and hazardous waste quantity.

4.1.4.2.1 *Ecosystem toxicity/persistence/bioaccumulation.* Evaluate all those hazardous substances eligible to be evaluated for toxicity/persistence in the drinking water threat for the watershed (see section 4.1.2.2).

4.1.4.2.1.1 *Ecosystem toxicity*. Assign an ecosystem toxicity factor value from Table 4–19 to each hazardous substance on the basis of the following data hierarchy:

- EPA chronic Ambient Water Quality Criterion (AWQC) for the substance.
- EPA chronic Ambient Aquatic Life Advisory Concentrations (AALAC) for the substance.
- EPA acute AWQC for the substance.
- EPA acute AALAC for the substance.
- Lowest LC_{50} value for the substance.

In assigning the ecosystem toxicity factor value to the hazardous substance:

- If either an EPA chronic AWQC or AALAC is available for the hazardous substance, use it to assign the ecosystem toxicity factor value. Use the chronic AWQC in preference to the chronic AALAC when both are available.
- If neither is available, use the EPA acute AWQC or AALAC to assign the ecosystem toxicity factor value. Use the acute AWQC in preference to the acute AALAC.
- If none of the chronic and acute AWQCs and AALACs is available, use the lowest LC_{50} value to assign the ecosystem toxicity factor value.
- If an LC_{50} value is also not available, assign an ecosystem toxicity factor value of 0 to the hazardous substance and use other hazardous substances for which data are available in evaluating the pathway.

If an ecosystem toxicity factor value of 0 is assigned to all hazardous substances eligible to be evaluated for the watershed (that is, insufficient data are available for evaluating all the substances), use a default value of 100 as the ecosystem toxicity factor value for all these hazardous substances.

With regard to the AWQC, AALAC, or LC_{50} selected for assigning the ecosystem toxicity factor value to the hazardous substance:

- If values for the selected AWQC, AALAC, or LC_{50} are available for both fresh water and marine water for the hazardous substance, use the value that corresponds to the type of water body (that is, fresh water or salt water) in which the sensitive environments are located to assign the ecosystem toxicity factor value to the hazardous substance.
- If, however, some of the sensitive environments being evaluated are in fresh water and some are in salt water, or if any are in brackish water, use the value (fresh water or marine) that yields the higher factor value to assign the ecosystem toxicity factor value to the hazardous substance.
- If a value for the selected AWQC, AALAC, or LC_{50} is available for either fresh water or marine water, but not for both, use the available one to assign an ecosystem toxicity factor value to the hazardous substance.

TABLE 4–19—ECOSYSTEM TOXICITY FACTOR VALUES

If an EPA chronic AWQC[a] or AALAC[b] is available, assign a value as follows:[c]

EPA chronic AWQC or AALAC	Assigned value
Less than 1 μg/l	10,000
1 to 10 μg/l	1,000
Greater than 10 to 100 μg/l	100
Greater than 100 to 1,000 μg/l	10
Greater than 1,000 μg/l	1

If neither an EPA chronic AWQC nor EPA chronic AALAC is available, assign a value based on the EPA acute AWQC or AALAC as follows:[c]

EPA acute AWQC or AALAC	Assigned value
Less than 100 μg/l	10,000
100 to 1,000 μg/l	1,000
Greater than 1,000 to 10,000 μg/l	100
Greater than 10,000 to 100,000 μg/l	10
Greater than 100,000 μg/l	1

If neither an EPA chronic or acute AWQC nor EPA chronic or acute AALAC is available, assign a value from the LC_{50} as follows:

LC_{50}	Assigned value
Less than 100 μg/l	10,000
100 to 1,000 μg/l	1,000
Greater than 1,000 to 10,000 μg/l	100
Greater than 10,000 to 100,000 μg/l	10
Greater than 100,000 μg/l	1

If none of the AWQCs and AALACs nor the LC_{50} is available, assign a value of 0.

[a] AWQC—Ambient Water Quality Criteria.
[b] AALAC—Ambient Aquatic Life Advisory Concentrations.
[c] Use the AWQC value in preference to the AALAC when both are available. See text for use of fresh water and marine values.

4.1.4.2.1.2 *Persistence*. Assign a persistence factor value to each hazardous substance as specified in section 4.1.2.2.1.2, except: use the predominant water category (that is lakes; or rivers, oceans, coastal tidal waters, or Great Lakes) between the probable point of entry and the nearest sensitive environment (not the nearest drinking water or resources intake) along the hazardous substance migration path for the watershed to determine which portion of table 4–10 to use. Determine the predominant water category based on distance as specified in section 4.1.2.2.1.2. For contaminated sediments with no identified source, use the point where measurement begins rather than the probable point of entry.

4.1.4.2.1.3 *Ecosystem bioaccumulation potential*. Assign an ecosystem bioaccumulation potential factor value to each hazardous substance in the same manner specified for the bioaccumulation potential factor in section 4.1.3.2.1.3, except:

- Use BCF data for all aquatic organisms, not just for aquatic human food chain organisms.

• Use the BCF data that corresponds to the type of water body (that is, fresh water or salt water) in which the sensitive environments (not fisheries) are located.

4.1.4.2.1.4 *Calculation of ecosystem toxicity/persistence/bioaccumulation factor value.* Assign each hazardous substance an ecosystem toxicity/persistence factor value from table 4–20, based on the values assigned to the hazardous substance for the ecosystem toxicity and persistence factors. Then assign each hazardous substance an ecosystem toxicity/persistence/bioaccumulation factor value from table 4–21, based on the values assigned for the ecosystem toxicity/persistence and ecosystem bioaccumulation potential factors. Select the hazardous substance with the highest ecosystem toxicity/persistence/bioaccumulation factor value for the watershed and use it to assign the value to this factor. Enter this value in table 4–1.

TABLE 4–20—ECOSYSTEM TOXICITY/PERSISTENCE FACTOR VALUES [A]

Persistence factor value	Ecosystem toxicity factor value					
	10,000	1,000	100	10	1	0
1.0	10,000	1,000	100	10	1	0
0.4	4,000	400	40	4	0.4	0
0.07	700	70	7	0.7	0.07	0
0.0007	7	0.7	0.07	0.007	0.0007	0

[a] Do not round to nearest integer.

TABLE 4–21—ECOSYSTEM TOXICITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [A]

Ecosystem toxicity persistence factor value	Ecosystem bioaccumulation potential factor value					
	50,000	5,000	500	50	5	0.5
10,000	5×10^8	5×10^7	5×10^6	5×10^5	5×10^4	5,000
4,000	2×10^8	2×10^7	2×10^6	2×10^5	2×10^4	2,000
1,000	5×10^7	5×10^6	5×10^5	5×10^4	5,000	500
700	3.5×10^7	3.5×10^6	3.5×10^5	3.5×10^4	3,500	350
400	2×10^7	2×10^6	2×10^5	2×10^4	2,000	200
100	5×10^6	5×10^5	5×10^4	5,000	500	50
70	3.5×10^6	3.5×10^5	3.5×10^4	3,500	350	35
40	2×10^6	2×10^5	2×10^4	2,000	200	20
10	5×10^5	5×10^4	5,000	500	50	5
7	3.5×10^5	3.5×10^4	3,500	350	35	3.5
4	2×10^5	2×10^4	2,000	200	20	2
1	5×10^4	5,000	500	50	5	0.5
0.7	3.5×10^4	3,500	350	35	3.5	0.35
0.4	2×10^4	2,000	200	20	2	0.2
0.07	3,500	350	35	3.5	0.35	0.035
0.007	350	35	3.5	0.35	0.035	0.0035
0.0007	35	3.5	0.35	0.035	0.0035	0.00035
0	0	0	0	0	0	0

[a] Do not round to nearest integer.

4.1.4.2.2 *Hazardous waste quantity.* Assign the same factor value for hazardous waste quantity for the watershed as would be assigned in section 4.1.2.2.2 for the drinking water threat. Enter this value in table 4–1.

4.1.4.2.3 *Calculation of environmental threat-waste characteristics factor category value.* For the hazardous substance selected for the watershed in section 4.1.4.2.1.4, use its ecosystem toxicity/persistence factor value and ecosystem bioaccumulation potential factor value as follows to assign a value to the waste characteristics factor category. First, multiply the ecosystem toxicity/persistence factor value and the hazardous waste quantity factor value for the watershed, subject to a maximum product of 1×10^8. Then multiply this product by the ecosystem bioaccumulation potential factor value for this hazardous substance, subject to a maximum product of 1×10^{12}. Based on this second product, assign a value from Table 2–7 (section 2.4.3.1) to the environmental threat-waste characteristics factor category for the watershed. Enter this value in table 4–1.

TABLE 4–22—ECOLOGICAL-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN SURFACE WATER

• Concentration corresponding to EPA Ambient Water Quality Criteria (AWQC) for protection of aquatic life (fresh water or marine).

• Concentration corresponding to EPA Ambient Aquatic Life Advisory Concentrations (AALAC).

• Select the appropriate AWQC and AALAC as follows:
–Use chronic value, if available; otherwise use acute value.
–If the sensitive environment being evaluated is in fresh water, use fresh water value, except: if no fresh water value is available, use marine value if available.
–If the sensitive environment being evaluated is in salt water, use marine value, except: if no marine value is available, use fresh water value if available.
–If the sensitive environment being evaluated is in both fresh water and salt water, or is in brackish water, use lower of fresh water or marine values.

TABLE 4–23—SENSITIVE ENVIRONMENTS RATING VALUES

Sensitive environment	Assigned value
Critical habitat[a] for Federal designated endangered or threatened species Marine Sanctuary National Park Designated Federal Wilderness Area Areas identified under Coastal Zone Management Act[b] Sensitive areas identified under National Estuary Program[c] or Near Coastal Waters Program[d] Critical areas identified under the Clean Lakes Program[e] National Monument[f] National Seashore Recreational Area National Lakeshore Recreational Area	100
Habitat known to be used by Federal designated or proposed endangered or threatened species National Preserve National or State Wildlife Refuge Unit of Coastal Barrier Resources System Coastal Barrier (undeveloped) Federal land designated for protection of natural ecosystems Administratively Proposed Federal Wilderness Area Spawning areas critical[g] for the maintenance of fish/shellfish species within river, lake, or coastal tidal waters Migratory pathways and feeding areas critical for maintenance of anadromous fish species within river reaches or areas in lakes or coastal tidal waters in which the fish spend extended periods of time Terrestrial areas utilized for breeding by large or dense aggregations of animals[h] National river reach designated as Recreational	75
Habitat known to be used by State designated endangered or threatened species Habitat known to be used by species under review as to its Federal endangered or threatened status Coastal Barrier (partially developed) Federal designated Scenic or Wild River	50
State land designated for wildlife or game management State designated Scenic or Wild River State designated Natural Areas Particular areas, relatively small in size, important to maintenance of unique biotic communities	25
State designated areas for protection or maintenance of aquatic life[i]	5

[a] Critical habitat as defined in 50 CFR 424.02.
[b] Areas identified in State Coastal Zone Management plans as requiring protection because of ecological value.
[c] National Estuary Program study areas (subareas within estuaries) identified in Comprehensive Conservation and Management Plans as requiring protection because they support critical life stages of key estuarine species (Section 320 of Clean Water Act, as amended).
[d] Near Coastal Waters as defined in Sections 104(b)(3), 304(1), 319, and 320 of Clean Water Act, as amended.
[e] Clean Lakes Program critical areas (subareas within lakes, or in some cases entire small lakes) identified by State Clean Lake Plans as critical habitat (Section 314 of Clean Water Act, as amended).
[f] Use only for air migration pathway.
[g] Limit to areas described as being used for intense or concentrated spawning by a given species.
[h] For the air migration pathway, limit to terrestrial vertebrate species. For the surface water migration pathway, limit to terrestrial vertebrate species with aquatic or semiaquatic foraging habits.
[i] Areas designated under Section 305(a) of Clean Water Act, as amended.

TABLE 4–24—WETLANDS RATING VALUES FOR SURFACE WATER MIGRATION PATHWAY

Total length of wetlands[a] (miles)	Assigned value
Less than 0.1	0
0.1 to 1	25
Greater than 1 to 2	50
Greater than 2 to 3	75
Greater than 3 to 4	100
Greater than 4 to 8	150
Greater than 8 to 12	250

TABLE 4–24—WETLANDS RATING VALUES FOR SURFACE WATER MIGRATION PATHWAY—Continued

Total length of wetlands[a] (miles)	Assigned value
Greater than 12 to 16	350
Greater than 16 to 20	450
Greater than 20	500

[a] Wetlands as defined in 40 CFR section 230.3.

4.1.4.3 *Environmental threat-targets.* Evaluate the environmental threat-targets factor category for a watershed using one factor: sensitive environments.

4.1.4.3.1 *Sensitive environments.* Evaluate sensitive environments along the hazardous substance migration path for the watershed based on three factors: Level I concentrations, Level II concentrations, and potential contamination.

Determine which factor applies to each sensitive environment as specified in section 4.1.2.3, except: use ecological-based benchmarks (Table 4–22) rather than health-based benchmarks (Table 3–10) in determining the level of contamination from samples. In determining the level of actual contamination, use a point of direct observation anywhere within the sensitive environment or samples (that is, surface water, benthic, or sediment samples) taken anywhere within or beyond the sensitive environment (or anywhere adjacent to or beyond the sensitive environment if it is contiguous to the migration path).

4.1.4.3.1.1 *Level I concentrations.* Assign value(s) from table 4–23 to each sensitive environment subject to Level I concentrations.

For those sensitive environments that are wetlands, assign an additional value from table 4–24. In assigning a value from table 4–24, include only those portions of wetlands located along the hazardous substance migration path in the area of Level I concentrations. If a wetland is located partially along the area of Level I concentrations and partially along the area of Level II concentrations and/or potential contamination, then solely for purposes of table 4–24, count the portion(s) along the areas of Level II concentrations or potential contamination under the Level II concentrations factor (section 4.1.4.3.1.2) or potential contamination factor (section 4.1.4.3.1.3), as appropriate.

Estimate the total length of wetlands along the hazardous substance migration path (that is, wetland frontage) in the area of Level I concentrations and assign a value from table 4–24 based on this total length. Estimate this length as follows:

- For an isolated wetland or for a wetland where the probable point of entry to surface water is in the wetland, use the perimeter of that portion of the wetland subject to Level I concentrations as the length.
- For rivers, use the length of the wetlands contiguous to the in-water segment of the hazardous substance migration path (that is, wetland frontage).
- For lakes, oceans, coastal tidal waters, and Great Lakes, use the length of the wetlands along the shoreline within the target distance limit (that is, wetland frontage along the shoreline).

Calculate the Level I concentrations factor value (SH) for the watershed as follows:

$$SH = 10\left(WH + \sum_{i=1}^{n} S_i\right)$$

where:

WH = Value assigned from table 4–24 to wetlands along the area of Level I concentrations.

S_i = Value(s) assigned from table 4–23 to sensitive environment i.

n = Number of sensitive environments from table 4–23 subject to Level I concentrations.

Enter the value assigned in table 4–1.

4.1.4.3.1.2 *Level II concentrations.* Assign value(s) from table 4–23 to each sensitive environment subject to Level II concentrations. Do not include sensitive environments already counted for table 4–23 under the Level I concentrations factor for this watershed.

For those sensitive environments that are wetlands, assign an additional value from table 4–24. In assigning a value from table 4–24, include only those portions of wetlands located along the hazardous substance migration path in the area of Level II concentrations, as specified in section 4.1.4.3.1.1.

Estimate the total length of wetlands along the hazardous substance migration path (that is, wetland frontage) in the area of Level II concentrations and assign a value from table 4–24 based on this total length. Estimate this length as specified in section 4.1.4.3.1.1, except: for an isolated wetland or for a wetland where the probable point of entry to surface water is in the wetland, use the perimeter of that portion of the wetland subject to Level II (not Level I) concentrations as the length.

Calculate the Level II concentrations value (SL) for the watershed as follows:

$$SL = WL + \sum_{i=1}^{n} S_i$$

where:

WL = Value assigned from table 4–24 to wetlands along the area of Level II concentrations.

S_i = Value(s) assigned from table 4–23 to sensitive environment i.

n = Number of sensitive environments from table 4–23 subject to Level II concentrations.

Enter the value assigned in table 4–1.

4.1.4.3.1.3 *Potential contamination.* Assign value(s) from table 4–23 to each sensitive environment subject to potential contamination. Do not include sensitive environments already counted for table 4–23 under the Level I or Level II concentrations factors.

For each type of surface water body in table 4–13 (section 4.1.2.3.1), sum the value(s) assigned from table 4–23 to the sensitive environments along that type of surface water body, except: do not use the surface water body type "3-mile mixing zone in quiet flowing river." If a sensitive environment is along two or more types of surface water bodies (for example, Wildlife Refuge contiguous to both a moderate stream and a large river), assign the sensitive environment only to that surface water body type having the highest dilution weight value from table 4–13.

For those sensitive environments that are wetlands, assign an additional value from table 4–24. In assigning a value from table 4–24, include only those portions of wetlands located along the hazardous substance migration path in the area of potential contamination, as specified in section 4.1.4.3.1.1. Aggregate these wetlands by type of surface water body, except: do not use the surface water body type "3-mile mixing zone in quiet flowing river." Treat the wetlands aggregated within each type of surface water body as separate sensitive environments solely for purposes of applying table 4–24. Estimate the total length of the wetlands within each surface water body type as specified in section 4.1.4.3.1.1, except: for an isolated wetland or for a wetland where the probable point of entry to surface water is in the wetland, use the perimeter of that portion of the wetland subject to potential contamination (or the portion of that perimeter that is within the target distance limit) as the length. Assign a separate value from table 4–24 for each type of surface water body in the watershed.

Calculate the potential contamination factor value (SP) for the watershed as follows:

$$SP = \frac{1}{10}\sum_{j=1}^{m}\left(\left[W_j + S_j\right]D_j\right)$$

where:

$$S_j = \sum_{i=1}^{n} S_{ij}$$

S_{ij} = Value(s) assigned from table 4–23 to sensitive environment i in surface water body type j.

n = Number of sensitive environments from table 4–23 subject to potential contamination.

W_j = Value assigned from table 4–24 for wetlands along the area of potential contamination in surface water body type j.

D_j = Dilution weight from table 4–13 for surface water body type j.

m = Number of different surface water body types from table 4–13 in the watershed.

If SP is less than 1, do not round it to the nearest integer; if SP is 1 or more, round to the nearest integer. Enter this value for the potential contamination factor in table 4–1.

4.1.4.3.1.4 *Calculation of environmental threat-targets factor category value.* Sum the values for the Level I concentrations, Level II concentrations, and potential contamination factors for the watershed. Do not round this sum to the nearest integer. Assign this sum as the environmental threat-targets factor category value for the watershed. Enter this value in table 4–1.

4.1.4.4 *Calculation of environmental threat score for a watershed.* Multiply the environmental threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 60, as the environmental threat score for the watershed. Enter this score in table 4–1.

4.1.5 *Calculation of overland/flood migration component score for a watershed.* Sum the scores for the three threats for the watershed (that is, drinking water, human food chain, and environmental threats). Assign the resulting score, subject to a maximum value of 100, as the surface water overland/flood migration component score for the watershed. Enter this score in table 4–1.

4.1.6 *Calculation of overland/flood migration component score.* Select the highest surface water overland/flood migration component score from the watersheds evaluated. Assign this score as the surface water overland/flood migration component score for the site, subject to a maximum score of 100. Enter this score in table 4–1.

4.2 *Ground water to surface water migration component.* Use the ground water to surface water migration component to evaluate surface water threats that result from migration of hazardous substances from a source at the site to surface water via ground water. Evaluate three types of threats for this component: drinking water threat, human food chain threat, and environmental threat.

4.2.1 *General considerations.*

4.2.1.1 *Eligible surface waters.* Calculate ground water to surface water migration component scores only for surface waters (see section 4.0.2) for which all the following conditions are met:

• A portion of the surface water is within 1 mile of one or more sources at the site having a containment factor value greater than 0 (see section 4.2.2.1.2).

• No aquifer discontinuity is established between the source and the portion of the surface water within 1 mile of the source (see section 3.0.1.2.2). However, if hazardous substances have migrated across an apparent discontinuity within this 1 mile distance, do not consider a discontinuity present in scoring the site.

• The top of the uppermost aquifer is at or above the bottom of the surface water.

Do not evaluate this component for sites consisting solely of contaminated sediments with no identified source.

4.2.1.2 *Definition of hazardous substance migration path for ground water to surface water migration component.* The hazardous substance migration path includes both the ground water segment and the surface water in-water segment that hazardous substances would take as they migrate away from sources at the site:

• Restrict the ground water segment to migration via the uppermost aquifer between a source and the surface water.

• Begin the surface water in-water segment at the probable point of entry from the uppermost aquifer to the surface water. Identify the probable point of entry as that point of the surface water that yields the shortest straight-line distance, within the aquifer boundary (see section 3.0.1.2), from the sources at the site with a containment factor value greater than 0 to the surface water.

–For rivers, continue the in-water segment in the direction of flow (including any tidal flows) for the distance established by the target distance limit (see section 4.2.1.4).

–For lakes, oceans, coastal tidal waters, or Great Lakes, do not consider flow direction. Instead apply the target distance limit as an arc.

–If the in-water segment includes both rivers and lakes (or oceans, coastal tidal waters, or Great Lakes), apply the target distance limit to their combined in-water segments.

Consider a site to be in two or more watersheds for this component if two or more hazardous substance migration paths from the sources at the site do not reach a common point within the target distance limit. If the site is in more than one watershed, define a separate hazardous substance migration path for each watershed. Evaluate the ground water to surface water migration component for each watershed separately as specified in section 4.2.1.5.

4.2.1.3 *Observed release of a specific hazardous substance to surface water in-water segment.* Section 4.2.2.1.1 specifies the criteria for assigning values to the observed release factor for the ground water to surface water migration component. With regard to an individual hazardous substance, consider an observed release of that hazardous substance to be established for the surface water in-water segment of the ground water to surface water migration component only when the hazardous substance meets the criteria both for an observed release both to ground water (see section 4.2.2.1.1) and for an observed release by chemical analysis to surface water (see section 4.1.2.1.1).

If the hazardous substance meets the section 4.1.2.1.1 criteria for an observed release by chemical analysis to surface water but does not also meet the criteria for an observed release to ground water, do not use any samples of that hazardous substance from the surface water in-water segment in evaluating the factors of this component (for example, do not use the hazardous substance in establishing targets subject to actual contamination or in determining the level of actual contamination for a target).

4.2.1.4 *Target distance limit.* Determine the target distance limit for each watershed as specified in section 4.1.1.2, except: do not extend the target distance limit to a sample location beyond 15 miles unless at least one hazardous substance in a sample from that location meets the criteria in section 4.2.1.3 for an observed release to the surface water in-water segment.

Determine the targets eligible to be evaluated for each watershed and establish whether these targets are subject to actual or potential contamination as specified in section 4.1.1.2, except: do not establish actual contamination based on a sample location unless at least one hazardous substance in a sample from that location meets the criteria in section 4.2.1.3 for an observed release to the surface water in-water segment.

4.2.1.5 *Evaluation of ground water to surface water migration component.* Evaluate the drinking water threat, human food chain threat, and environmental threat for each watershed for this component based on three factor categories: likelihood of release, waste characteristics, and targets. Figure 4–2 indicates the factors included within each factor category for each type of threat.

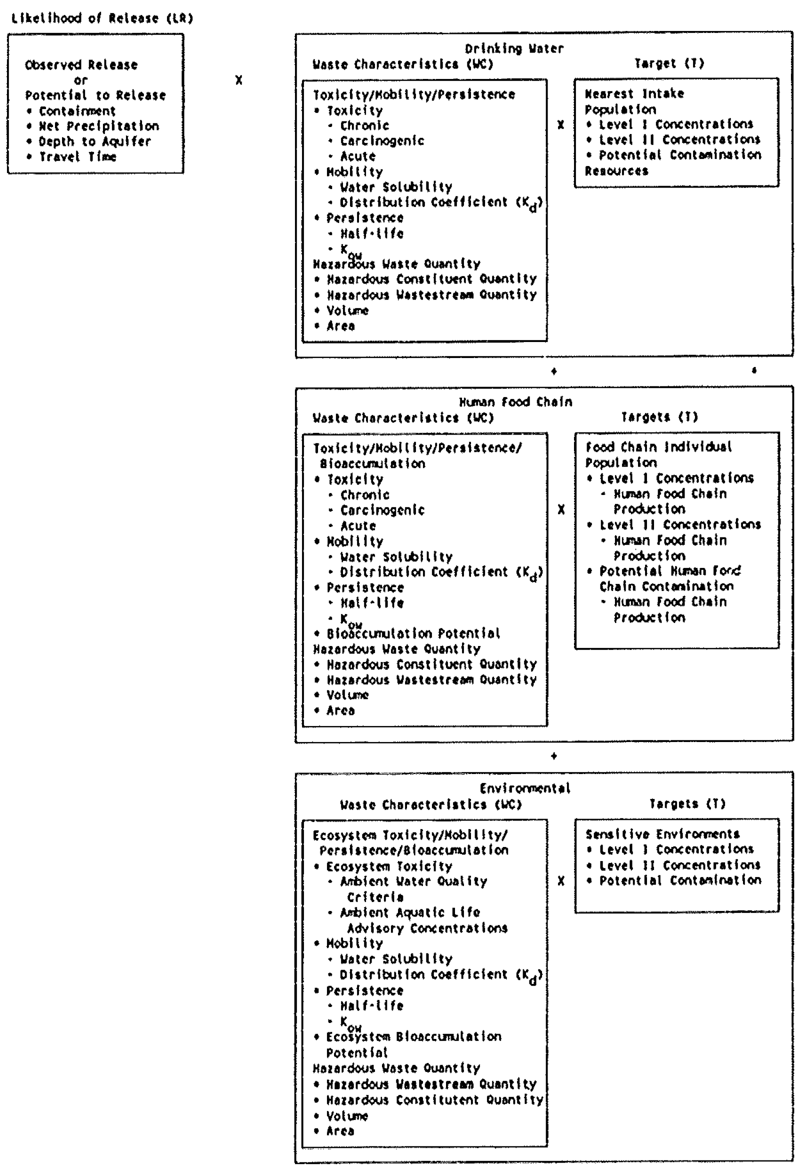


Figure 4-2
OVERVIEW OF GROUND WATER TO SURFACE WATER MIGRATION COMPONENT

Determine the ground water to surface water migration component score (S_{gs}) for a watershed in terms of the factor category values as follows:

$$S_{gs} = \frac{\sum_{i=1}^{3}(LR_i)(WC_i)(T_i)}{SF}$$

where:

LR_i = Likelihood of release factor category value for threat i (that is, drinking water, human food chain, or environmental threat).

WC_i = Waste characteristics factor category value for threat i.

T_i = Targets factor category value for threat i.

SF = Scaling factor.

Table 4–25 outlines the specific calculation procedure.

If the site is in only one watershed, assign the ground water to surface water migration component score for that watershed as the ground water to surface water migration component score for the site.

If the site is in more than one watershed:

• Calculate a separate ground water to surface water migration component score for each watershed, using likelihood of release, waste characteristics, and targets applicable to each watershed.

• Select the highest ground water to surface water migration component score from the watersheds evaluated and assign it as the ground water to surface water migration component score for the site.

TABLE 4–25—GROUND WATER TO SURFACE WATER MIGRATION COMPONENT SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Drinking Water Threat		
Likelihood of Release to Aquifer:		
1. Observed Release	550	____
2. Potential to Release:		
2a. Containment	10	____
2b. Net Precipitation	10	____
2c. Depth to Aquifer	5	____
2d. Travel Time	35	____
2e. Potential to Release (lines 2a[2b + 2c + 2d])	500	____
3. Likelihood of Release (higher of lines 1 and 2e)	550	____
Waste Characteristics:		
4. Toxicity/Mobility/Persistence	(a)	____
5. Hazardous Waste Quantity	(a)	____
6. Waste Characteristics	100	____
Targets:		
7. Nearest Intake	50	____
8. Population		
8a. Level I Concentrations	(b)	____
8b. Level II Concentrations	(b)	____
8c. Potential Contamination	(b)	____
8d. Population (lines 8a + 8b + 8c)	....	____
9. Resources	5	____
10. Targets (lines 7 + 8d + 9)	(b)	____
Drinking Water Threat Score:		
11. Drinking Water Threat Score ([lines 3 × 6 × 10]/82,500, subject to a maximum of 100)	100	____
Human Food Chain Threat		
Likelihood of Release:		
12. Likelihood of Release (same value as line 3)	550	____
Waste Characteristics:		
13. Toxicity/Mobility/Persistence/Bioaccumulation	(a)	____
14. Hazardous Waste Quantity	(a)	____
15. Waste Characteristics	1,000	____
Targets:		
16. Food Chain Individual	50	____
17. Population:		
17a. Level I Concentrations	(b)	____
17b. Level II Concentrations	(b)	____
17c. Potential Human Food Chain Contamination	(b)	____
17d. Population (lines 17a + 17b + 17c)	(b)	____
18. Targets (Lines 16 + 17d)	(b)	____
Human Food Chain Threat Score:		
19. Human Food Chain Threat Score ([lines 12 × 15 × 18]/82,500, subject to a maximum of 100)	100	____
Environmental Threat		
Likelihood of Release:		
20. Likelihood of Release (same value as line 3)	550	____
Waste Characteristics:		
21. Ecosystem Toxicity/Mobility/Persistence/Bioaccumulation	(a)	____

TABLE 4–25—GROUND WATER TO SURFACE WATER MIGRATION COMPONENT SCORESHEET—Continued

Factor categories and factors	Maximum value	Value assigned
22. Hazardous Waste Quantity	(a)	_____
23. Waste Characteristics	1,000	_____
Targets:		
24. Sensitive Environments:		
24a. Level I Concentrations	(b)	_____
24b. Level II Concentrations	(b)	_____
24c. Potential Contamination	(b)	_____
24d. Sensitive Environments (lines 24a + 24b + 24c)	(b)	_____
25. Targets (value from line 24d)	(b)	_____
Environmental Threat Score:		
26. Environmental Threat Score ([lines 20 × 23 × 25]/82,500, subject to a maximum of 60)	60	_____
Ground Water to Surface Water Migration Component Score for a Watershed		
27. Watershed Score[c] (lines 11 + 19 + 26, subject to a maximum of 100)	100	_____
28. Component Score (S_{gs})[c] (highest score from Line 27 for all watersheds evaluated, subject to a maximum of 100)	100	_____

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] Do not round to nearest integer.

4.2.2 *Drinking water threat.* Evaluate the drinking water threat for each watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.2.2.1 *Drinking water threat-likelihood of release.* Evaluate the likelihood of release factor category for each watershed in terms of an observed release factor or a potential to release factor.

4.2.2.1.1 *Observed release.* Establish an observed release to the uppermost aquifer as specified in section 3.1.1. If an observed release can be established for the uppermost aquifer, assign an observed release factor value of 550 to that watershed, enter this value in table 4–25, and proceed to section 4.2.2.1.3. If no observed release can be established, assign an observed release factor value of 0, enter this value in table 4–25, and proceed to section 4.2.2.1.2.

4.2.2.1.2 *Potential to release.* Evaluate potential to release only if an observed release cannot be established for the uppermost aquifer. Calculate a potential to release value for the uppermost aquifer as specified in section 3.1.2 and sections 3.1.2.1 through 3.1.2.5. Assign the potential to release value for the uppermost aquifer as the potential to release factor value for the watershed. Enter this value in table 4–25.

4.2.2.1.3 *Calculation of drinking water threat-likelihood of release factor category value.* If an observed release is established for the uppermost aquifer, assign the observed release factor value of 550 as the likelihood of release factor category value for the watershed. Otherwise, assign the potential to release factor value as the likelihood of release factor category value for the watershed. Enter the value assigned in table 4–25.

4.2.2.2 *Drinking water threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: toxicity/mobility/persistence and hazardous waste quantity. Evaluate only those hazardous substances available to migrate from the sources at the site to the uppermost aquifer (see section 3.2). Such hazardous substances include:

- Hazardous substances that meet the criteria for an observed release to ground water.
- All hazardous substances associated with a source that has a ground water containment factor value greater than 0 (see sections 2.2.2, 2.2.3, and 3.1.2.1).

4.2.2.2.1 *Toxicity/mobility/persistence.* For each hazardous substance, assign a toxicity factor value, a mobility factor value, a persistence factor value, and a combined toxicity/mobility/persistence factor value as specified in sections 4.2.2.2.1.1 through 4.2.2.2.1.4.

4.2.2.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1.

4.2.2.2.1.2 *Mobility.* Assign a ground water mobility factor value to each hazardous substance as specified in section 3.2.1.2.

4.2.2.2.1.3 *Persistence.* Assign a surface water persistence factor value to each hazardous substance as specified in section 4.1.2.2.1.2.

4.2.2.2.1.4 *Calculation of toxicity/mobility/persistence factor value.* First, assign each hazardous substance a toxicity/mobility factor value from table 3–9 (section 3.2.1.3), based on the values assigned to the hazardous substance for the toxicity and mobility factors. Then assign each hazardous substance a toxicity/mobility/persistence factor value from table 4–26, based on the values assigned for the toxicity/mobility and persistence factors. Use the substance with the highest toxicity/mobility/ persistence factor value for the watershed to assign the value to this factor. Enter this value in table 4–25.

4.2.2.2.2 *Hazardous waste quantity.* Assign the same factor value for hazardous waste quantity for the watershed as would be assigned for the uppermost aquifer in section 3.2.2. Enter this value in table 4–25.

4.2.2.2.3 *Calculation of drinking water threat-waste characteristics factor category value.* Multiply the toxicity/mobility/persistence and hazardous waste quantity factor values for the watershed, subject to a maximum product of 1×10^8. Based on this product, assign a value from table 2–7 (section 2.4.3.1) to the drinking water threat-waste characteristics factor category for the watershed. Enter this value in table 4–25.

4.2.2.3 *Drinking water threat-targets.* Evaluate the targets factor category for each watershed based on three factors: nearest intake, population, and resources.

TABLE 4–26—TOXICITY/MOBILITY/PERSISTENCE FACTOR VALUES [A]

Toxicity/mobility factor value	Persistence factor value			
	1.0	0.4	0.07	0.0007
10,000	10,000	4,000	700	7
2,000	2,000	800	140	1.4
1,000	1,000	400	70	0.7
200	200	80	14	0.14
100	100	40	7	0.07
20	20	8	1.4	0.014
10	10	4	0.7	0.007
2	2	0.8	0.14	0.0014
1	1	0.4	0.07	7×10^{-4}
0.2	0.2	0.08	0.014	1.4×10^{-4}
0.1	0.1	0.04	0.007	7×10^{-5}
0.02	0.02	0.008	0.0014	1.4×10^{-5}
0.01	0.01	0.004	7×10^{-4}	7×10^{-6}
0.002	0.002	8×10^{-4}	1.4×10^{-4}	1.4×10^{-6}
0.001	0.001	4×10^{-4}	7×10^{-5}	7×10^{-7}
2×10^{-4}	2×10^{-4}	8×10^{-5}	1.4×10^{-5}	1.4×10^{-7}
1×10^{-4}	1×10^{-4}	4×10^{-5}	7×10^{-6}	7×10^{-8}
2×10^{-5}	2×10^{-5}	8×10^{-6}	1.4×10^{-6}	1.4×10^{-8}
2×10^{-6}	2×10^{-6}	8×10^{-7}	1.4×10^{-7}	1.4×10^{-9}
2×10^{-7}	2×10^{-7}	8×10^{-8}	1.4×10^{-8}	1.4×10^{-10}
2×10^{-8}	2×10^{-8}	8×10^{-9}	1.4×10^{-9}	1.4×10^{-11}
2×10^{-9}	2×10^{-9}	8×10^{-10}	1.4×10^{-10}	1.4×10^{-12}
0	0	0	0	0

[a] Do not round to nearest integer.

For the nearest intake and population factors, determine whether the target surface water intakes are subject to actual or potential contamination as specified in section 4.1.1.2, subject to the restrictions specified in sections 4.2.1.3 and 4.2.1.4.

When the intake is subject to actual contamination, evaluate it using Level I concentrations or Level II concentrations. Determine which level applies for the intake by comparing the exposure concentrations from a sample (or comparable samples) to health-based benchmarks as specified in section 4.1.2.3, except use only those samples from the surface water in-water segment and only those hazardous substances in such samples that meet the conditions in sections 4.2.1.3 and 4.2.1.4.

4.2.2.3.1 *Nearest intake.* Assign a value to the nearest intake factor as specified in section 4.1.2.3.1 with the following modification. For the intake being evaluated, multiply its dilution weight from table 4–13 (section 4.1.2.3.1) by a value selected from table 4–27. Use the resulting product, not the value from table 4–13, as the dilution weight for the intake for the ground water to surface water component. Do not round this product to the nearest integer.

Select the value from table 4–27 based on the angle Θ, the angle defined by the sources at the site and either the two points at the intersection of the surface water body and the 1-mile distance ring of any two other points of the surface water body within the 1-mile distance ring, whichever results in the largest angle. (See Figure 4–3 for an example of how to determine Θ.) If the surface water body does not extend to the 1-mile ring at one or both ends, define Θ using the surface water endpoint(s) within the 1-mile ring or any two other points of the surface water body within the 1-mile distance ring, whichever results in the largest angle.

TABLE 4–27—DILUTION WEIGHT ADJUSTMENTS

Angle Θ (degrees)	Assigned value[a]
0	0
Greater than 0 to 18	0.05
Greater than 18 to 54	0.1
Greater than 54 to 90	0.2
Greater than 90 to 126	0.3
Greater than 126 to 162	0.4
Greater than 162 to 198	0.5
Greater than 198 to 234	0.6
Greater than 234 to 270	0.7
Greater than 270 to 306	0.8
Greater than 306 to 342	0.9
Greater than 342 to 360	1.0

[a] Do not round to nearest integer.

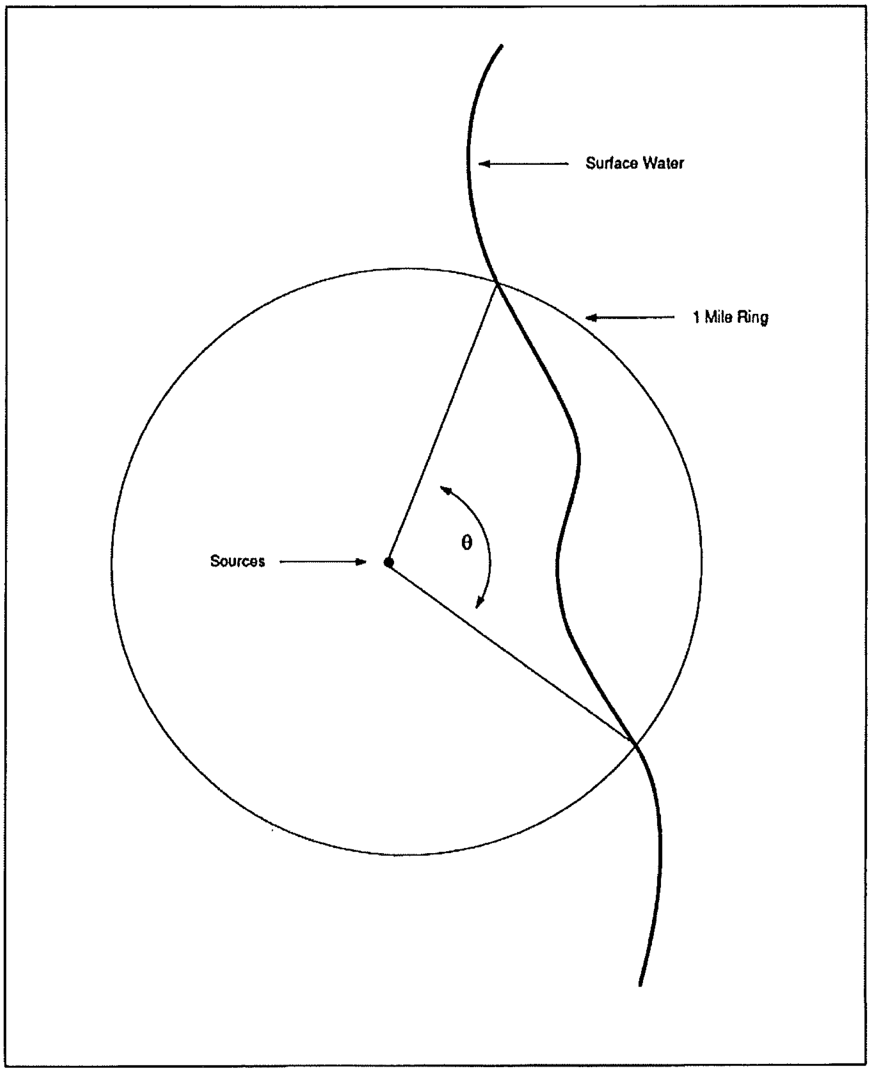


FIGURE 4-3
SAMPLE DETERMINATION OF GROUND WATER TO SURFACE WATER ANGLE

TABLE 4–28—TOXICITY/MOBILITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [A]

Toxicity/mobility/persistence factor value	Bioaccumlation potential factor value					
	50,000	5,000	500	50	5	0.5
10,000	5×10^8	5×10^7	5×10^6	5×10^5	5×10^4	5,000
4,000	2×10^8	2×10^7	2×10^6	2×10^5	2×10^4	2,000
2,000	1×10^8	1×10^7	1×10^6	1×10^5	1×10^4	1,000

TABLE 4–28—TOXICITY/MOBILITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES[A]—Continued

Toxicity/mobility/persistence factor value	Bioaccumlation potential factor value					
	50,000	5,000	500	50	5	0.5
1,000	5×10^{7}	5×10^{6}	5×10^{5}	5×10^{4}	5,000	500
800	4×10^{7}	4×10^{6}	4×10^{5}	4×10^{4}	4,000	400
700	3.5×10^{7}	3.5×10^{6}	3.5×10^{5}	3.5×10^{4}	3,500	350
400	2×10^{7}	2×10^{6}	2×10^{5}	2×10^{4}	2,000	200
200	1×10^{7}	1×10^{6}	1×10^{5}	1×10^{4}	1,000	100
140	7×10^{6}	7×10^{5}	7×10^{4}	7,000	700	70
100	5×10^{6}	5×10^{5}	5×10^{4}	5,000	500	50
80	4×10^{6}	4×10^{5}	4×10^{4}	4,000	400	40
70	3.5×10^{6}	3.5×10^{5}	3.5×10^{4}	3,500	350	35
40	2×10^{6}	2×10^{5}	2×10^{4}	2,000	200	20
20	1×10^{6}	1×10^{5}	1×10^{4}	1,000	100	10
14	7×10^{5}	7×10^{4}	7,000	700	70	7
10	5×10^{5}	5×10^{4}	5,000	500	50	5
8	4×10^{5}	4×10^{4}	4,000	400	40	4
7	3.5×10^{5}	3.5×10^{4}	3,500	350	35	3.5
4	2×10^{5}	2×10^{4}	2,000	200	20	2
2	1×10^{5}	1×10^{4}	1,000	100	10	1
1.4	7×10^{4}	7,000	700	70	7	0.7
1.0	5×10^{4}	5,000	500	50	5	0.5
0.8	4×10^{4}	4,000	400	40	4	0.4
0.7	3.5×10^{4}	3,500	350	35	3.5	0.35
0.4	2×10^{4}	2,000	200	20	2	0.2
0.2	1×10^{4}	1,000	100	10	1	0.1
0.14	7,000	700	70	7	0.7	0.07
0.1	5,000	500	50	5	0.5	0.05
0.08	4,000	400	40	4	0.4	0.04
0.07	3,500	350	35	3.5	0.35	0.035
0.04	2,000	200	20	2	0.2	0.02
0.02	1,000	100	10	1	0.1	0.01
0.014	700	70	7	0.7	0.07	0.007
0.01	500	50	5	0.5	0.05	0.005
0.008	400	40	4	0.4	0.04	0.004
0.007	350	35	3.5	0.35	0.035	0.0035
0.004	200	20	2	0.2	0.02	0.002
0.002	100	10	1	0.1	0.01	0.001
0.0014	70	7	0.7	0.07	0.007	7×10^{-4}
0.001	50	5	0.5	0.05	0.005	5×10^{-4}
8×10^{-4}	40	4	0.4	0.04	0.004	4×10^{-4}
7×10^{-4}	35	3.5	0.035	0.035	0.0035	3.5×10^{-4}
4×10^{-4}	20	2	0.2	0.02	0.002	2×10^{-4}
2×10^{-4}	10	1	0.1	0.01	0.001	1×10^{-4}
1.4×10^{-4}	7	0.7	0.07	0.007	7×10^{-4}	7×10^{-5}
1×10^{-4}	5	0.5	0.05	0.005	5×10^{-4}	5×10^{-5}
8×10^{-5}	4	0.4	0.04	0.004	4×10^{-4}	4×10^{-5}
7×10^{-5}	3.5	0.35	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}
4×10^{-5}	2	0.2	0.02	0.002	2×10^{-4}	2×10^{-5}
2×10^{-5}	1	0.1	0.01	0.001	1×10^{-4}	1×10^{-5}
1.4×10^{-5}	0.7	0.07	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}
8×10^{-6}	0.4	0.04	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}
7×10^{-6}	0.35	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}
2×10^{-6}	0.1	0.01	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}
1.4×10^{-6}	0.07	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}
8×10^{-7}	0.04	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}
7×10^{-7}	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}	3.5×10^{-7}
2×10^{-7}	0.01	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}
1.4×10^{-7}	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}
8×10^{-8}	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}
7×10^{-8}	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}	3.5×10^{-7}	3.5×10^{-8}
2×10^{-8}	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}	1×10^{-8}
1.4×10^{-8}	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}
8×10^{-9}	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}	4×10^{-9}
2×10^{-9}	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}	1×10^{-8}	1×10^{-9}
1.4×10^{-9}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}
8×10^{-10}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}	4×10^{-9}	4×10^{-10}
1.4×10^{-10}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}	4×10^{-11}

TABLE 4–28—TOXICITY/MOBILITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES[a]—Continued

Toxicity/mobility/persistence factor value	Bioaccumlation potential factor value					
	50,000	5,000	500	50	5	0.5
1.4×10^{-11}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}	7×10^{-11}	7×10^{-12}
1.4×10^{-12}	7×10^{-8}	7×10^{-9}	7×10^{-10}	7×10^{-11}	7×10^{-12}	7×10^{-13}
0	0	0	0	0	0	0

[a] Do not round to nearest integer.

4.2.2.3.2 *Population.* Evaluate the population factor for the watershed based on three factors: Level I concentrations, Level II concentrations, and potential contamination. Determine which factor applies to an intake as specified in section 4.2.2.3. Determine the population to be counted for that intake as specified in section 4.1.2.3.2, using the target distance limits in section 4.2.1.4 and the hazardous substance migration path in section 4.2.1.2.

4.2.2.3.2.1 *Level I concentrations.* Assign a value to this factor as specified in section 4.1.2.3.2.2.

4.2.2.3.2.2 *Level II concentrations.* Assign a value to this factor as specified in section 4.1.2.3.2.3.

4.2.2.3.2.3 *Potential contamination.* For each applicable type of surface water body in table 4–14, determine the dilution-weighted population value as specified in section 4.1.2.3.2.4. Select the appropriate dilution weight adjustment value from table 4–27 as specified in section 4.2.2.3.1.

Calculate the value for the potential contamination factor (PC) for the watershed as follows:

$$PC = \frac{A}{10} \sum_{i=1}^{n} W_i$$

where:

A = Dilution weight adjustment value from table 4–27.

W_i = Dilution-weighted population from table 4–14 for surface water body type i.

n = Number of different surface water body types in the watershed.

If PC is less than 1, do not round it to the nearest integer; if PC is 1 or more, round to the nearest integer. Enter the value in table 4–25.

4.2.2.3.2.4 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and potential contamination. Do not round this sum to the nearest integer. Assign this sum as the population factor value for the watershed. Enter this value in table 4–25.

4.2.2.3.3 *Resources.* Assign a value to the resources factor as specified in section 4.1.2.3.3.

4.2.2.3.4 *Calculation of drinking water threat-targets factor category value.* Sum the nearest intake, population, and resources factor values for the watershed. Do not round this sum to the nearest integer. Assign this sum as the drinking water threat-targets factor category value for the watershed. Enter this value in table 4–25.

4.2.2.4 *Calculation of drinking water threat score for a watershed.* Multiply the drinking water threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 100, as the drinking water threat score for the watershed. Enter this score in table 4–25.

4.2.3 *Human food chain threat.* Evaluate the human food chain threat for a watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.2.3.1 *Human food chain threat-likelihood of release.* Assign the same likelihood of release factor category value for the human food chain threat for the watershed as would be assigned in section 4.2.2.1.3 for the drinking water threat. Enter this value in table 4–25.

4.2.3.2 *Human food chain threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: toxicity/mobility/persistence/bioaccumulation and hazardous waste quantity.

4.2.3.2.1 *Toxicity/mobility/persistence/bioaccumulation.* Evaluate all those hazardous substances eligible to be evaluated for toxicity/mobility/persistence in the drinking water threat for the watershed (see section 4.2.2.2.1).

4.2.3.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1.

4.2.3.2.1.2 *Mobility.* Assign a ground water mobility factor value to each hazardous substance as specified for the drinking water threat (see section 4.2.2.2.1.2).

4.2.3.2.1.3 *Persistence.* Assign a surface water persistence factor value to each hazardous substance as specified for the drinking water threat (see section 4.2.2.2.1.3), except: use the predominant water category (that is, lakes; or rivers, oceans, coastal tidal waters, or Great Lakes) between the probable point of entry and the nearest fishery (not the nearest drinking water or resources intake) along the hazardous substance migration path for the watershed to determine which portion of table 4–10 to use. Determine the predominant water category based on distance as specified in section 4.1.2.2.1.2.

4.2.3.2.1.4 *Bioaccumulation potential.* Assign a bioaccumulation potential factor value to each hazardous substance as specified in section 4.1.3.2.1.3.

4.2.3.2.1.5 *Calculation of toxicity/mobility/persistence/ bioaccumulation factor value.* Assign each hazardous substance a toxicity/mobility factor value from table 3–9 (section 3.2.1.3), based on the values assigned to the hazardous substance for the toxicity and mobility factors. Then assign each hazardous substance a toxicity/mobility/persistence factor value from table 4–26, based on the values assigned for the toxicity/mobility and persistence factors. Then assign each hazardous substance a toxicity/mobility/persistence/bioaccumulation factor value from table 4–28. Use the substance with the highest toxicity/mobility/persistence/bioaccumulation factor value for the watershed to assign the value to this factor for the watershed. Enter this value in table 4–25.

4.2.3.2.2 *Hazardous waste quantity.* Assign the same factor value for hazardous waste quantity for the watershed as would be assigned in section 4.2.2.2.2 for the drinking water threat. Enter this value in table 4–25.

4.2.3.2.3 *Calculation of human food chain threat-waste characteristics factor category value.* For the hazardous substance selected for the watershed in section 4.2.3.2.1.5, use its toxicity/mobility/ persistence factor value and bioaccumulation potential factor value as follows to assign a value to the waste characteristics factor category. First, multiply the toxicity/mobility/persistence factor value and the hazardous waste quantity factor value for the watershed, subject to a maximum product of 1×10^{8}. Then multiply this product by the bioaccumulation potential factor value for this hazardous substance, subject to a maximum product of 1×10^{12}. Based on this second product, assign a value from table 2–7 (section 2.4.3.1) to the human food chain threat-waste characteristics factor category for the watershed. Enter this value in table 4–25.

4.2.3.3 *Human food chain threat-targets.* Evaluate two target factors for the watershed: food chain individual and population.

For both factors, determine whether the target fisheries are subject to Level I concentrations, Level II concentrations, or potential human food chain contamination. Determine which applies to each fishery (or portion of a fishery) as specified in section 4.1.3.3, subject to the restrictions specified in sections 4.2.1.3 and 4.2.1.4.

4.2.3.3.1 *Food chain individual.* Assign a value to the food chain individual factor as specified in section 4.1.3.3.1 with the following modification. When a dilution weight is used, multiply the appropriate dilution weight from table 4–13 by the adjustment value selected from table 4–27, as specified in section 4.2.2.3.1. Use the resulting product, not the value from table 4–13, as the dilution weight in assigning the factor value. Do not round this product to the nearest integer. Enter the value assigned in table 4–25.

4.2.3.3.2 *Population.* Evaluate the population factor for the watershed based on three factors: Level I concentrations, Level II concentrations, and potential human food chain contamination. Determine which of these factors is to be applied to each fishery as specified in section 4.2.3.3.

4.2.3.3.2.1 *Level I concentrations.* Assign a value to this factor as specified in section 4.1.3.3.2.1. Enter this value in table 4–25.

4.2.3.3.2.2 *Level II concentrations.* Assign a value to this factor as specified in section 4.1.3.3.2.2. Enter this value in table 4–25.

4.2.3.3.2.3 *Potential human food chain contamination.* Assign a value to this factor as specified in section 4.1.3.3.2.3 with the following modification. For each fishery being evaluated, multiply the appropriate dilution weight for that fishery from table 4–13 by the adjustment value selected from table 4–27, as specified in section 4.2.2.3.1. Use the resulting product, not the value from table 4–13, as the dilution weight for the fishery. Do not round this product to the nearest integer. Enter the value assigned in table 4–25.

4.2.3.3.2.4 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and potential human food chain contamination for the watershed. Do not round this sum to the nearest integer. Assign this sum as the population factor value for the watershed. Enter this value in table 4–25.

4.2.3.3.3 *Calculation of human food chain threat-targets factor category value.* Sum the food chain individual and population factor values for the watershed. Do not round this sum to the nearest integer. Assign this sum as the human food chain threat-targets factor category value for the watershed. Enter this value in table 4–25.

4.2.3.4 *Calculation of human food chain threat score for a watershed.* Multiply the human food chain threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 100, as the human food chain threat score for the watershed. Enter this score in table 4–25.

4.2.4 *Environmental threat.* Evaluate the environmental threat for the watershed based on three factor categories: likelihood of release, waste characteristics, and targets.

4.2.4.1 *Environmental threat-likelihood of release.* Assign the same likelihood of release factor category value for the environmental threat for the watershed as would be assigned in section 4.2.2.1.3 for the drinking water threat. Enter this value in table 4–25.

4.2.4.2 *Environmental threat-waste characteristics.* Evaluate the waste characteristics factor category for each watershed based on two factors: ecosystem toxicity/mobility/persistence/bioaccumulation and hazardous waste quantity.

4.2.4.2.1 *Ecosystem toxicity/mobility/persistence/bioaccumulation.* Evaluate all those hazardous substances eligible to be evaluated for toxicity/mobility/persistence in the drinking water threat for the watershed (see section 4.2.2.2.1).

4.2.4.2.1.1 *Ecosystem toxicity.* Assign an ecosystem toxicity factor value to each hazardous substance as specified in section 4.1.4.2.1.1.

4.2.4.2.1.2 *Mobility.* Assign a ground water mobility factor value to each hazardous substance as specified in section 4.2.2.2.1.2 for the drinking water threat.

4.2.4.2.1.3 *Persistence.* Assign a surface water persistence factor value to each hazardous substance as specified in section 4.2.2.2.1.3 for the drinking water threat, except: use the predominant water category (that is, lakes; or rivers, oceans, coastal tidal waters, or Great Lakes) between the probable point of entry and the nearest sensitive environment (not the nearest drinking water or resources intake) along the hazardous substance migration path for the watershed to determine which portion of table 4–10 to use. Determine the predominant water category based on distance as specified in section 4.1.2.2.1.2.

4.2.4.2.1.4 *Ecosystem bioaccumulation potential.* Assign an ecosystem bioaccumulation potential factor value to each hazardous substance as specified in section 4.1.4.2.1.3.

4.2.4.2.1.5 *Calculation of ecosystem toxicity/mobility/persistence/ bioaccumulation factor value.* Assign each hazardous substance an ecosystem toxicity/mobility factor value from table 3–9 (section 3.2.1.3), based on the values assigned to the hazardous substance for the ecosystem toxicity and mobility factors. Then assign each hazardous substance an ecosystem toxicity/mobility/persistence factor value from table 4–29, based on the values assigned for the ecosystem toxicity/mobility and persistence factors. Then assign each hazardous substance an ecosystem toxicity/mobility/persistence/bioaccumulation factor value from table 4–30, based on the values assigned for the ecosystem toxicity/mobility/persistence and ecosystem bioaccumulation potential factors. Select the substance with the highest ecosystem toxicity/mobility/persistence/bioaccumulation factor value for the watershed and use it to assign the value to this factor for the watershed. Enter this value in table 4–25.

TABLE 4–29—ECOSYSTEM TOXICITY/MOBILITY/PERSISTENCE FACTOR VALUES [a]

Ecosystem toxicity/mobility factor value	Persistence factor value			
	1.0	0.4	0.07	0.0007
10,000	10,000	4,000	700	7
2,000	2,000	800	140	1.41,000
1,000	1,000	400	70	0.7
200	200	80	14	0.14
100	100	40	7	0.07
20	20	8	1.4	0.014
10	10	4	0.7	0.007
2	2	0.8	0.14	0.0014
1	1	0.4	0.07	7×10^{-4}
0.2	0.2	0.08	0.014	1.4×10^{-4}
0.1	0.1	0.04	0.007	7×10^{-5}
0.2	0.2	0.008	0.0014	1.4×10^{-5}
0.01	0.01	0.004	7×10^{-4}	7×10^{-6}
0.002	0.002	8×10^{-4}	1.4×10^{-4}	1.4×10^{-6}
0.001	0.001	4×10^{-4}	7×10^{-5}	7×10^{-7}
2×10^{-4}	2×10^{-4}	8×10^{-5}	1.4×10^{-5}	1.4×10^{-7}
1×10^{-4}	1×10^{-4}	4×10^{-5}	7×10^{-6}	7×10^{-8}
2×10^{-5}	2×10^{-5}	8×10^{-6}	1.4×10^{-6}	1.4×10^{-8}
2×10^{-6}	2×10^{-6}	8×10^{-7}	1.4×10^{-7}	1.4×10^{-9}
2×10^{-7}	2×10^{-7}	8×10^{-8}	1.4×10^{-8}	1.4×10^{-10}
2×10^{-8}	2×10^{-8}	8×10^{-9}	1.4×10^{-9}	1.4×10^{-11}
2×10^{-9}	2×10^{-9}	8×10^{-10}	1.4×10^{-10}	1.4×10^{-12}
0	0	0	0	0

[a] Do not round to nearest integer.

TABLE 4–30—ECOSYSTEM TOXICITY/MOBILITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [A]

Ecosystem toxicity/mobility/persistence factor value	Ecosystem bioaccumulation potential factor value					
	50,000	5,000	500	50	5	0.5
10,000	5×10^{8}	5×10^{7}	5×10^{6}	5×10^{5}	5×10^{4}	5,000
4,000	2×10^{8}	2×10^{7}	2×10^{6}	2×10^{5}	2×10^{4}	2,000
2,000	$1, \times 10^{8}$	1×10^{7}	1×10^{6}	1×10^{5}	1×10^{4}	1,000
1,000	5×10^{7}	5×10^{6}	5×10^{5}	5×10^{4}	5,000	500
800	4×10^{7}	4×10^{6}	4×10^{5}	4×10^{4}	4,000	400
700	3.5×10^{7}	3.5×10^{6}	3.5×10^{5}	3.5×10^{4}	3,500	350
400	2×10^{7}	2×10^{6}	2×10^{5}	2×10^{4}	2,000	200
200	1×10^{7}	1×10^{6}	1×10^{5}	1×10^{4}	1,000	100
140	7×10^{6}	7×10^{5}	7×10^{4}	7,000	700	70
100	5×10^{6}	5×10^{5}	5×10^{4}	5,000	500	50
80	4×10^{6}	4×10^{5}	4×10^{4}	4,000	400	40
70	3.5×10^{6}	3.5×10^{5}	3.5×10^{4}	3,500	350	35
40	2×10^{6}	2×10^{5}	2×10^{4}	2,000	200	20
20	1×10^{6}	1×10^{5}	1×10^{4}	1,000	100	10
14	7×10^{5}	7×10^{4}	7,000	700	70	7
10	5×10^{5}	5×10^{4}	5,000	500	50	5
8	4×10^{5}	4×10^{4}	4,000	400	40	4
7	3.5×10^{5}	3.5×10^{4}	3,500	350	35	3.5
4	2×10^{5}	2×10^{4}	2,000	200	20	2
2	1×10^{5}	1×10^{4}	1,000	100	10	1
1.4	7×10^{4}	7,000	700	70	7	0.7
1.0	5×10^{4}	5,000	500	50	5	0.5
0.8	4×10^{4}	4,000	400	40	4	0.4
0.7	3.5×10^{4}	3,500	350	35	3.5	0.35
0.4	2×10^{4}	2,000	200	20	2	0.2
0.2	1×10^{4}	1,000	100	10	1	0.1
0.14	7,000	700	70	7	0.7	0.07
0.1	5,000	500	50	5	0.5	0.05
0.08	4,000	400	40	4	0.4	0.04
0.07	3,500	350	35	3.5	0.35	0.035
0.04	2,000	200	20	2	0.2	0.02
0.02	1,000	100	10	1	0.1	0.01
0.014	700	70	7	0.7	0.07	0.007
0.01	500	50	5	0.5	0.05	0.005
0.008	400	40	4	0.4	0.04	0.004
0.007	350	35	3.5	0.35	0.035	0.0035
0.004	200	20	2	0.2	0.02	0.002
0.002	100	10	1	0.1	0.01	0.001
0.0014	70	7	0.7	0.07	0.007	7×10^{-4}
0.001	50	5	0.5	0.05	0.005	5×10^{-4}
8×10^{-4}	40	4	0.4	0.04	0.004	4×10^{-4}
7×10^{-4}	35	3.5	0.35	0.035	0.0035	3.5×10^{-4}
4×10^{-4}	20	2	0.2	0.02	0.002	2×10^{-4}
2×10^{-4}	10	1	0.1	0.01	0.001	1×10^{-4}
1.4×10^{-4}	7	0.7	0.07	0.007	7×10^{-4}	7×10^{-5}
1×10^{-4}	5	0.5	0.05	0.005	5×10^{-4}	5×10^{-5}
8×10^{-5}	4	0.4	0.04	0.004	4×10^{-4}	4×10^{-5}
7×10^{-5}	3.5	0.35	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}
4×10^{-5}	2	0.2	0.02	0.002	2×10^{-4}	2×10^{-5}
2×10^{-5}	1	0.1	0.01	0.001	1×10^{-4}	1×10^{-5}
1.4×10^{-5}	0.7	0.07	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}
8×10^{-6}	0.4	0.04	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}
7×10^{-6}	0.35	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}
2×10^{-6}	0.1	0.01	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}
1.4×10^{-6}	0.07	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}
8×10^{-7}	0.04	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}
7×10^{-7}	0.035	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}	3.5×10^{-7}
2×10^{-7}	0.01	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}
1.4×10^{-7}	0.007	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}
8×10^{-8}	0.004	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}
7×10^{-8}	0.0035	3.5×10^{-4}	3.5×10^{-5}	3.5×10^{-6}	3.5×10^{-7}	3.5×10^{-8}
2×10^{-8}	0.001	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}	1×10^{-8}
1.4×10^{-8}	7×10^{-4}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}
8×10^{-9}	4×10^{-4}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}	4×10^{-9}
2×10^{-9}	1×10^{-4}	1×10^{-5}	1×10^{-6}	1×10^{-7}	1×10^{-8}	1×10^{-9}

TABLE 4–30—ECOSYSTEM TOXICITY/MOBILITY/PERSISTENCE/BIOACCUMULATION FACTOR VALUES [a]—Continued

Ecosystem toxicity/mobility/persistence factor value	Ecosystem bioaccumulation potential factor value					
	50,000	5,000	500	50	5	0.5
1.4×10^{-9}	7×10^{-5}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}
8×10^{-10}	4×10^{-5}	4×10^{-6}	4×10^{-7}	4×10^{-8}	4×10^{-9}	4×10^{-10}
1.4×10^{-10}	7×10^{-6}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}	7×10^{-11}
1.4×10^{-11}	7×10^{-7}	7×10^{-8}	7×10^{-9}	7×10^{-10}	7×10^{-11}	7×10^{-12}
1.4×10^{-12}	7×10^{-8}	7×10^{-9}	7×10^{-10}	7×10^{-11}	7×10^{-12}	7×10^{-13}
0	0	0	0	0	0	0

[a] Do not round to nearest integer.

4.2.4.2.2 *Hazardous waste quantity.* Assign the same factor value for hazardous waste quantity for the watershed as would be assigned in section 4.2.2.2.2 for the drinking water threat. Enter this value in table 4–25.

4.2.4.2.3 *Calculation of environmental threat-waste characteristics factor category value.* For the hazardous substance selected for the watershed in section 4.2.4.2.1.5, use its ecosystem toxicity/mobility/persistence factor value and ecosystem bioaccumulation potential factor value as follows to assign a value to the waste characteristics factor category. First, multiply the ecosystem toxicity/mobility/persistence factor value and the hazardous waste quantity factor value for the watershed, subject to a maximum product of 1×10^{8}. Then multiply this product by the ecosystem bioaccumulation potential factor value for this hazardous substance, subject to a maximum product of 1×10^{12}. Based on this product, assign a value from table 2–7 (section 2.4.3.1) to the environmental threat-waste characteristics category for the watershed. Enter the value in table 4–25.

4.2.4.3 *Environmental threat-targets.* Evaluate the environmental threat-targets factor category for a watershed using one factor: sensitive environments.

4.2.4.3.1 *Sensitive environments.* Evaluate sensitive environments for the watershed based on three factors: Level I concentrations, Level II concentrations, and potential contamination. Determine which applies to each sensitive environment as specified in section 4.1.4.3.1, except: use only those samples from the surface water in-water segment and only those hazardous substances in such samples that meet the conditions in sections 4.2.1.3 and 4.2.1.4.

4.2.4.3.1.1 *Level I concentrations.* Assign a value to this factor as specified in section 4.1.4.3.1.1. Enter this value in table 4–25.

4.2.4.3.1.2 *Level II concentrations.* Assign a value to this factor as specified in section 4.1.4.3.1.2. Enter this value in table 4–25.

4.2.4.3.1.3 *Potential contamination.* Assign a value to this factor as specified in section 4.1.4.3.1.3 with the following modification. Multiply the appropriate dilution weight from table 4–13 for the sensitive environments in each type of surface water body by the adjustment value selected from table 4–27, as specified in section 4.2.2.3.1. Use the resulting product, not the value from table 4–13, as the dilution weight for the sensitive environments in that type of surface water body. Do not round this product to the nearest integer. Enter the value assigned in table 4–25.

4.2.4.3.1.4 *Calculation of environmental threat-targets factor category value.* Sum the values for Level I concentrations, Level II concentrations, and potential contamination for the watershed. Do not round this sum to the nearest integer. Assign this sum as the environmental threat targets factor category value for the watershed. Enter this value in table 4–25.

4.2.4.4 *Calculation of environmental threat score for a watershed.* Multiply the environmental threat factor category values for likelihood of release, waste characteristics, and targets for the watershed, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum of 60, as the environmental threat score for the watershed. Enter this score in table 4–25.

4.2.5 *Calculation of ground water to surface water migration component score for a watershed.* Sum the scores for the three threats for the watershed (that is, drinking water, human food chain, and environmental threats). Assign the resulting score, subject to a maximum value of 100, as the ground water to surface water migration component score for the watershed. Enter this score in table 4–25.

4.2.6 *Calculation of ground water to surface water migration component score.* Select the highest ground water to surface water migration component score from the watersheds evaluated. Assign this score as the ground water to surface water migration component score for the site, subject to a maximum score of 100. Enter this score in table 4–25.

4.3 *Calculation of surface water migration pathway score.* Determine the surface water migration pathway score as follows:

• If only one of the two surface water migration components (overland/flood or ground water to surface water) is scored, assign the score of that component as the surface water migration pathway score.

• If both components are scored, select the higher of the two component scores from sections 4.1.6 and 4.2.6. Assign that score as the surface water migration pathway score.

5.0 SOIL EXPOSURE AND SUBSURFACE INTRUSION PATHWAY

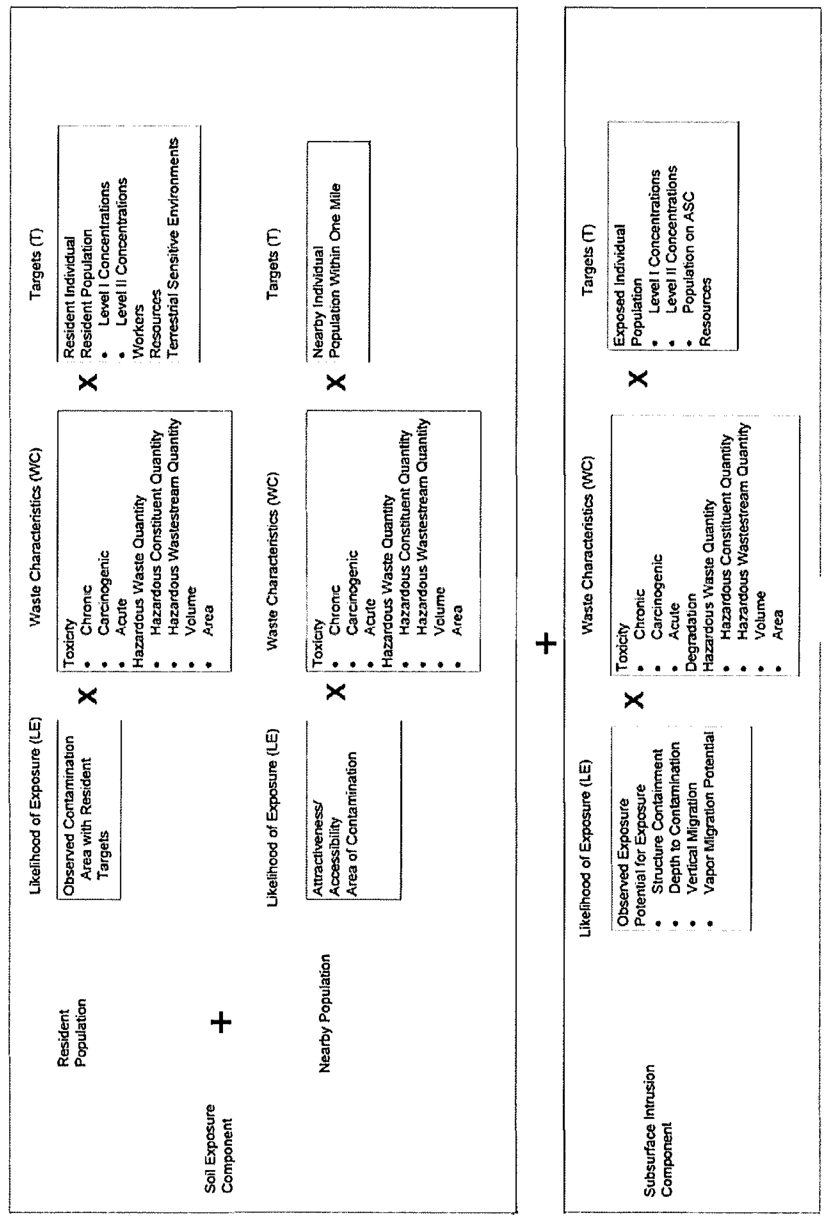
5.0.1 *Exposure components.* Evaluate the soil exposure and subsurface intrusion pathway based on two exposure components:

• Soil exposure component (see section 5.1).

• Subsurface intrusion component (see section 5.2).

Score one or both components considering their relative importance. If only one component is scored, assign its score as the soil exposure and subsurface intrusion pathway score. If both components are scored, sum the two scores and assign it as the soil exposure and subsurface intrusion pathway score, subject to a maximum of 100.

Figure 5-1 Overview of the Soil Exposure and Subsurface Intrusion Pathway



5.1 *Soil exposure component.* Evaluate the soil exposure component based on two threats: Resident population threat and nearby population threat. Evaluate both threats based on three factor categories: Likelihood of exposure, waste characteristics, and targets. Figure 5–1 indicates the factors included within each factor category for each type of threat.

Determine the soil exposure component score (S_{se}) in terms of the factor category values as follows:

$$S_{se} = \frac{\sum_{i=1}^{2}(LE_i)(WC_i)(T_i)}{SF}$$

Where:

LE_i = Likelihood of exposure factor category value for threat i (that is, resident population threat or nearby population threat).

WC_i = Waste characteristics factor category value for threat i.

T_i = Targets factor category value for threat i.

SF = Scaling factor.

Table 5–1 outlines the specific calculation procedure.

TABLE 5–1—SOIL EXPOSURE COMPONENT SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Resident Population Threat		
Likelihood of Exposure:		
1. Likelihood of Exposure	550	
Waste Characteristics:		
2. Toxicity	([a])	
3. Hazardous Waste Quantity	([a])	
4. Waste Characteristics	100	
Targets:		
5. Resident Individual	50	
6. Resident Population:.		
6a. Level I Concentrations	([b])	
6b. Level II Concentrations	([b])	
6c. Resident Population (lines 6a + 6b)	([b])	
7. Workers	15	
8. Resources	5	
9. Terrestrial Sensitive Environments	([c])	
10. Targets (lines 5 + 6c + 7 + 8 + 9)	([b])	
Resident Population Threat Score:		
11. Resident Population Threat (lines 1 × 4 × 10)	([b])	
Nearby Population Threat		
Likelihood of Exposure:		
12. Attractiveness/Accessibility	100	
13. Area of Contamination	100	
14. Likelihood of Exposure	500	
Waste Characteristics:		
15. Toxicity	([a])	
16. Hazardous Waste Quantity	([a])	
17. Waste Characteristics	100	
Targets:		
18. Nearby Individual	1	
19. Population Within 1 Mile	([b])	
20. Targets (lines 18 + 19)	([b])	
Nearby Population Threat Score:		
21. Nearby Population Threat (lines 14 × 17 × 20)	([b])	
Soil Exposure Component Score:		
22. Soil Exposure Component Score[d] (S_{se}), (lines [11 + 21]/82,500, subject to a maximum of 100)	100	

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] No specific maximum value applies to factor. However, pathway score based solely on terrestrial sensitive environments is limited to maximum of 60.
[d] Do not round to nearest integer.

5.1.0 *General considerations.* Evaluate the soil exposure component based on areas of observed contamination:

• Consider observed contamination to be present at sampling locations where analytic evidence indicates that:

—A hazardous substance attributable to the site is present at a concentration significantly above background levels for the site (see Table 2–3 in section 2.3 for the criteria for determining analytical significance), *and*

—This hazardous substance, if not present at the surface, is covered by 2 feet or less of cover material (for example, soil).

• Establish areas of observed contamination based on sampling locations at which there is observed contamination as follows:

—For all sources except contaminated soil, if observed contamination from the site is present at any sampling location within the source, consider that entire source to be an area of observed contamination.

—For contaminated soil, consider both the sampling location(s) with observed contamination from the site and the area lying between such locations to be an area of observed contamination, unless available information indicates otherwise.

• If an area of observed contamination (or portion of such an area) is covered by a permanent, or otherwise maintained, essentially impenetrable material (for example, asphalt) that is not more than 2 feet thick, exclude that area (or portion of the area) in evaluating the soil exposure component.

• For an area of observed contamination, consider only those hazardous substances that meet the criteria for observed contamination for that area to be associated with that area in evaluating the soil exposure component (see section 2.2.2).

If there is observed contamination, assign scores for the resident population threat and the nearby population threat, as specified in sections 5.1.1 and 5.1.2. If there is no observed contamination, assign the soil exposure component of the soil exposure and subsurface intrusion pathway a score of 0.

5.1.1 *Resident population threat.* Evaluate the resident population threat only if there is an area of observed contamination in one or more of the following locations:

• Within the property boundary of a residence, school, or day care center *and* within 200 feet of the respective residence, school, or day care center, or

• Within a workplace property boundary *and* within 200 feet of a workplace area, or

• Within the boundaries of a resource specified in section 5.1.1.3.4, or

• Within the boundaries of a terrestrial sensitive environment specified in section 5.1.1.3.5.

If not, assign the resident population threat a value of 0, enter this value in Table 5–1, and proceed to the nearby population threat (section 5.1.2).

5.1.1.1 *Likelihood of exposure.* Assign a value of 550 to the likelihood of exposure factor category for the resident population threat if there is an area of observed contamination in one or more locations listed in section 5.1.1. Enter this value in Table 5–1.

5.1.1.2 *Waste characteristics.* Evaluate waste characteristics based on two factors: toxicity and hazardous waste quantity. Evaluate only those hazardous substances that meet the criteria for observed contamination at the site (see section 5.1.0).

5.1.1.2.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1. Use the hazardous substance with the highest toxicity factor value to assign the value to the toxicity factor for the resident population threat. Enter this value in Table 5–1.

5.1.1.2.2 *Hazardous waste quantity.* Assign a hazardous waste quantity factor value as specified in section 2.4.2. In estimating the hazardous waste quantity, use Table 5–2 and:

• Consider only the first 2 feet of depth of an area of observed contamination, except as specified for the volume measure.

• Use the volume measure (see section 2.4.2.1.3) only for those types of areas of observed contamination listed in Tier C of Table 5–2. In evaluating the volume measure for these listed areas of observed contamination, use the full volume, not just the volume within the top 2 feet.

• Use the area measure (see section 2.4.2.1.4), not the volume measure, for all other types of areas of observed contamination, even if their volume is known.

Enter the value assigned in Table 5–1.

TABLE 5–2—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS FOR SOIL EXPOSURE COMPONENT

Tier	Measure	Units	Equation for assigning value [a]
A	Hazardous Constituent Quantity (C)	lb	C.
B [b]	Hazardous Wastestream Quantity (W)	lb	W/5,000.
C [b]	Volume (V).		
	Surface Impoundment [c]	yd^3	V/2.5.
	Drums [d]	gallon	V/500.
	Tanks and Containers Other Than Drums	yd^3	V/2.5.

TABLE 5–2—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS FOR SOIL EXPOSURE COMPONENT—Continued

Tier	Measure	Units	Equation for assigning value[a]
D[b]	Area (A).		
	Landfill	ft^2	A/34,000.
	Surface Impoundment	ft^2	A/13.
	Surface Impoundment (Buried/backfilled)	ft^2	A/13.
	Land treatment	ft^2	A/270.
	Pile[e]	ft^2	A/34.
	Contaminated Soil	ft^2	A/34,000.

[a] Do not round nearest integer.
[b] Convert volume to mass when necessary: 1 ton = 2,000 pounds = 1 cubic yard = 4 drums = 200 gallons.
[c] Use volume measure only for surface impoundments containing hazardous substances present as liquids. Use area measures in Tier D for dry surface impoundments and for buried/backfilled surface impoundments.
[d] If actual volume of drums is unavailable, assume 1 drum = 50 gallons.
[e] Use land surface area under pile, not surface area of pile.

5.1.1.2.3 *Calculation of waste characteristics factor category value.* Multiply the toxicity and hazardous waste quantity factor values, subject to a maximum product of 1×10^8. Based on this product, assign a value from Table 2–7 (section 2.4.3.1) to the waste characteristics factor category. Enter this value in Table 5–1.

5.1.1.3 *Targets.* Evaluate the targets factor category for the resident population threat based on five factors: Resident individual, resident population, workers, resources, and terrestrial sensitive environments.

In evaluating the targets factor category for the resident population threat, count only the following as targets:

• Resident individual—a person living or attending school or day care on a property with an area of observed contamination *and* whose residence, school, or day care center, respectively, is on or within 200 feet of the area of observed contamination.

• Worker—a person working on a property with an area of observed contamination *and* whose workplace area is on or within 200 feet of the area of observed contamination.

• Resources located on an area of observed contamination, as specified in section 5.1.1.

• Terrestrial sensitive environments located on an area of observed contamination, as specified in section 5.1.1.

5.1.1.3.1 *Resident individual.* Evaluate this factor based on whether there is a resident individual, as specified in section 5.1.1.3, who is subject to Level I or Level II concentrations.

First, determine those areas of observed contamination subject to Level I concentrations and those subject to Level II concentrations as specified in sections 2.5.1 and 2.5.2. Use the health-based benchmarks from Table 5–3 in determining the level of contamination. Then assign a value to the resident individual factor as follows:

• Assign a value of 50 if there is at least one resident individual for one or more areas subject to Level I concentrations.

• Assign a value of 45 if there is no such resident individuals, but there is at least one resident individual for one or more areas subject to Level II concentrations.

• Assign a value of 0 if there is no resident individual.

Enter the value assigned in Table 5–1.

5.1.1.3.2 *Resident population.* Evaluate resident population based on two factors: Level I concentrations and Level II concentrations. Determine which factor applies as specified in sections 2.5.1 and 2.5.2, using the health-based benchmarks from Table 5–3. Evaluate populations subject to Level I concentrations as specified in section 5.1.1.3.2.1 and populations subject to Level II concentrations as specified in section 5.1.1.3.2.2.

TABLE 5–3—HEALTH-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN SOILS

Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for oral exposures.
Screening concentration for noncancer toxicological responses corresponding to the Reference Dose (RfD) for oral exposures.

Count only those persons meeting the criteria for resident individual as specified in section 5.1.1.3. In estimating the number of people living on property with an area of observed contamination, when the estimate is based on the number of residences, multiply each residence by the average number of persons per residence for the county in which the residence is located.

5.1.1.3.2.1 *Level I concentrations.* Sum the number of resident individuals subject to Level I concentrations and multiply this sum by 10. Assign the resulting product as the value for this factor. Enter this value in Table 5–1.

5.1.1.3.2.2 *Level II concentrations.* Sum the number of resident individuals subject to Level II concentrations. Do not include those people already counted under the Level I concentrations factor. Assign this sum as the value for this factor. Enter this value in Table 5–1.

5.1.1.3.2.3 *Calculation of resident population factor value.* Sum the factor values for Level I concentrations and Level II concentrations. Assign this sum as the resident population factor value. Enter this value in Table 5–1.

5.1.1.3.3 *Workers.* Evaluate this factor based on the number of workers that meet the section 5.1.1.3 criteria. Assign a value for these workers using Table 5–4. Enter this value in Table 5–1.

TABLE 5–4—FACTOR VALUES FOR WORKERS

Number of workers	Assigned value
0	0
1 to 100	5
101 to 1,000	10
Greater than 1,000	15

5.1.1.3.4 *Resources.* Evaluate the resources factor as follows:

• Assign a value of 5 to the resources factor if one or more of the following is present on an area of observed contamination at the site:

—Commercial agriculture.
—Commercial silviculture.
—Commercial livestock production or commercial livestock grazing.

• Assign a value of 0 if none of the above are present.

Enter the value assigned in Table 5–1.

5.1.1.3.5 *Terrestrial sensitive environments.* Assign value(s) from Table 5–5 to each terrestrial sensitive environment that meets the eligibility criteria of section 5.1.1.3.

Calculate a value (ES) for terrestrial sensitive environments as follows:

$$ES = \sum_{i=1}^{n} S_i$$

Where:

S_i = Value(s) assigned from Table 5–5 to terrestrial sensitive environment i.
n = Number of terrestrial sensitive environments meeting section 5.1.1.3 criteria.

Because the pathway score based solely on terrestrial sensitive environments is limited to a maximum of 60, determine the value for the terrestrial sensitive environments factor as follows:

TABLE 5–5—TERRESTRIAL SENSITIVE ENVIRONMENTS RATING VALUES

Terrestrial sensitive environments	Assigned value
Terrestrial critical habitat[a] for Federal designated endangered or threatened species	100
National Park	
Designated Federal Wilderness Area	
National Monument.	
Terrestrial habitat known to be used by Federal designated or proposed threatened or endangered species	75
National Preserve (terrestrial)	
National or State Terrestrial Wildlife Refuge	
Federal land designated for protection of natural ecosystems	
Administratively proposed Federal Wilderness Area	
Terrestrial areas utilized for breeding by large or dense aggregations of animals[b].	
Terrestrial habitat known to be used by State designated endangered or threatened species	50
Terrestrial habitat known to be used by species under review as to its Federal designated endangered or threatened status	
State lands designated for wildlife or game management	25
State designated Natural Areas	
Particular areas, relatively small in size, important to maintenance of unique biotic communities.	

[a] Critical habitat as defined in 50 CFR 424.02.
[b] Limit to vertebrate species.

• Multiply the values assigned to the resident population threat for likelihood of exposure (LE), waste characteristics (WC), and ES. Divide the product by 82,500.

—If the result is 60 or less, assign the value ES as the terrestrial sensitive environments factor value.
—If the result exceeds 60, calculate a value EC as follows:

$$EC = \frac{(60)(82{,}500)}{(LE)(WC)}$$

Assign the value EC as the terrestrial sensitive environments factor value. Do not round this value to the nearest integer.

Enter the value assigned for the terrestrial sensitive environments factor in Table 5–1.

5.1.1.3.6 *Calculation of resident population targets factor category value.* Sum the values for the resident individual, resident population, workers, resources, and terrestrial sensitive environments factors. Do not round to the nearest integer. Assign this sum as the targets factor category value for the resident population threat. Enter this value in Table 5–1.

5.1.1.4 *Calculation of resident population threat score.* Multiply the values for likelihood of exposure, waste characteristics, and targets for the resident population threat, and round the product to the nearest integer. Assign this product as the resident population threat score. Enter this score in Table 5–1.

5.1.2 *Nearby population threat.* Include in the nearby population only those individuals who live or attend school within a 1-mile travel distance of an area of observed contamination at the site and who do not meet the criteria for resident individual as specified in section 5.1.1.3.

Do not consider areas of observed contamination that have an attractiveness/accessibility factor value of 0 (see section 5.1.2.1.1) in evaluating the nearby population threat.

5.1.2.1 *Likelihood of exposure.* Evaluate two factors for the likelihood of exposure factor category for the nearby population threat: attractiveness/accessibility and area of contamination.

5.1.2.1.1 *Attractiveness/accessibility.* Assign a value for attractiveness/accessibility from Table 5–6 to each area of observed contamination, excluding any land used for residences. Select the highest value assigned to the areas evaluated and use it as the value for the attractiveness/accessibility factor. Enter this value in Table 5–1.

5.1.2.1.2 *Area of contamination.* Evaluate area of contamination based on the total area of the areas of observed contamination at the site. Count only the area(s) that meet the criteria in section 5.1.0 and that receive an attractiveness/accessibility value greater than 0. Assign a value to this factor from Table5–7. Enter this value in Table 5–1.

TABLE 5–6—ATTRACTIVENESS/ACCESSIBILITY VALUES

Area of observed contamination	Assigned value
Designated recreational area	100
Regularly used for public recreation (for example, fishing, hiking, softball)	75
Accessible and unique recreational area (for example, vacant lots in urban area)	75
Moderately accessible (may have some access improvements, for example, gravel road), with some public recreation use	50
Slightly accessible (for example, extremely rural area with no road improvement), with some public recreation use	25
Accessible, with no public recreation use	10
Surrounded by maintained fence or combination of maintained fence and natural barriers	5
Physically inaccessible to public, with no evidence of public recreation use	0

TABLE 5–7—AREA OF CONTAMINATION FACTOR VALUES

Total area of the areas of observed contamination (square feet)	Assigned value
Less than or equal to 5,000	5
Greater than 5,000 to 125,000	20
Greater than 125,000 to 250,000	40
Greater than 250,000 to 375,000	60
Greater than 375,000 to 500,000	80
Greater than 500,000	100

5.1.2.1.3 *Likelihood of exposure factor category value.* Assign a value from Table 5–8 to the likelihood of exposure factor category, based on the values assigned to the attractiveness/accessibility and area of contamination factors. Enter this value in Table 5–1.

TABLE 5–8—NEARBY POPULATION LIKELIHOOD OF EXPOSURE FACTOR VALUES

Area of contamination factor value	Attractiveness/accessibility factor value						
	100	75	50	25	10	5	0
100	500	500	375	250	125	50	0
80	500	375	250	125	50	25	0
60	375	250	125	50	25	5	0
40	250	125	50	25	5	5	0
20	125	50	25	5	5	5	0
5	50	25	5	5	5	5	0

5.1.2.2 *Waste characteristics.* Evaluate waste characteristics based on two factors: toxicity and hazardous waste quantity. Evaluate only those hazardous substances that meet the criteria for observed contamination (see section 5.1.0) at areas that can be assigned an attractiveness/accessibility factor value greater than 0.

5.1.2.2.1 *Toxicity.* Assign a toxicity factor value as specified in section 2.4.1.1 to each hazardous substance meeting the criteria in section 5.1.2.2. Use the hazardous substance with the highest toxicity factor value to assign the value to the toxicity factor for the nearby population threat. Enter this value in Table 5–1.

5.1.2.2.2 *Hazardous waste quantity.* Assign a value to the hazardous waste quantity factor as specified in section 5.1.1.2.2, except: consider only those areas of observed contamination that can be assigned an attractiveness/accessibility factor value greater than 0. Enter the value assigned in Table 5–1.

5.1.2.2.3 *Calculation of waste characteristics factor category value.* Multiply the toxicity and hazardous waste quantity factor values, subject to a maximum product of 1×10^8. Based on this product, assign a value from Table 2–7 (section 2.4.3.1) to the waste characteristics factor category. Enter this value in Table 5–1.

5.1.2.3 *Targets.* Evaluate the targets factory category for the nearby population threat based on two factors: nearby individual and population within a 1-mile travel distance from the site.

5.1.2.3.1 *Nearby individual.* If one or more persons meet the section 5.1.1.3 criteria for a resident individual, assign this factor a value of 0. Enter this value in Table 5–1.

If no person meets the criteria for a resident individual, determine the shortest travel distance from the site to any residence or school. In determining the travel distance, measure the shortest overland distance an individual would travel from a residence or school to the nearest area of observed contamination for the site with an attractiveness/accessibility factor value greater than 0. If there are no natural barriers to travel, measure the travel distance as the shortest straight-line distance from the residence or school to the area of observed contamination. If natural barriers exist (for example, a river), measure the travel distance as the shortest straight-line distance from the residence or school to the nearest crossing point and from there as the shortest straight-line distance to the area of observed contamination. Based on the shortest travel distance, assign a value from Table 5–9 to the nearest individual factor. Enter this value in Table 5–1.

TABLE 5–9—NEARBY INDIVIDUAL FACTOR VALUES

Travel distance for nearby individual (miles)	Assigned value
Greater than 0 to ¼	[a] 1
Greater than ¼ to 1	0

[a] Assign a value of 0 if one or more persons meet the section 5.1.1.3 criteria for resident individual.

5.1.2.3.2 *Population within 1 mile.* Determine the population within each travel distance category of Table 5–10. Count residents and students who attend school within this travel distance. Do not include those people already counted in the resident population threat. Determine travel distances as specified in section 5.1.2.3.1.

In estimating residential population, when the estimate is based on the number of residences, multiply each residence by the average number of persons per residence for the county in which the residence is located.

Based on the number of people included within a travel distance category, assign a distance-weighted population value for that travel distance from Table 5–10.

Calculate the value for the population within 1 mile factor (PN) as follows:

$$PN = \frac{1}{10}\sum_{i=1}^{3} W_i$$

Where:

W_i=Distance-weighted population value from Table 5–10 for travel distance category i.

If PN is less than 1, do not round it to the nearest integer; if PN is 1 or more, round to the nearest integer. Enter this value in Table 5–1.

5.1.2.3.3 *Calculation of nearby population targets factor category value.* Sum the values for the nearby individual factor and the population within 1 mile factor. Do not round this sum to the nearest integer. Assign this sum as the targets factor category value for the nearby population threat. Enter this value in Table 5–1.

TABLE 5–10—DISTANCE WEIGHTED POPULATION VALUES FOR NEARBY POPULATION THREAT [A]

Travel distance category (miles)	Number of people within the travel distance category											
	0	1 to 10	11 to 30	31 to 100	101 to 300	301 to 1,000	1,001 to 3,000	3,001 to 10,000	10,001 to 30,000	30,001 to 100,000	100,001 to 300,000	300,001 to 1,000,000
Greater than 0 to ¼	0	0.1	0.4	1.0	4	13	41	130	408	1,303	4,081	13,034
Greater than ¼ to ½	0	0.05	0.2	0.7	2	7	20	65	204	652	2,041	6,517
Greater than ½ to 1	0	0.02	0.1	0.3	1	3	10	33	102	326	1,020	3,258

[a] Round the number of people present within a travel distance category to nearest integer. Do not round the assigned distance-weighted population value to nearest integer.

5.1.2.4 *Calculation of nearby population threat score.* Multiply the values for likelihood of exposure, waste characteristics, and targets for the nearby population threat, and round the product to the nearest integer. Assign this product as the nearby population threat score. Enter this score in Table 5–1.

5.1.3 *Calculation of soil exposure component score.* Sum the resident population threat score and the nearby population threat score, and divide the sum by 82,500. Assign the resulting value, subject to a maximum of 100, as the soil exposure component score (S_{se}). Enter this score in Table 5–1.

5.2 *Subsurface intrusion component.* Evaluate the subsurface intrusion component based on three factor categories: likelihood of exposure, waste characteristics, and targets. Figure 5–1 indicates the factors included within each factor category for the subsurface intrusion component.

Determine the component score (S_{ssi}) in terms of the factor category values as follows:

$$S_{ssi} = \frac{(LE)(WC)(T)}{SF}$$

Where:

LE=Likelihood of exposure factor category value.

WC=Waste characteristics factor category value.

T=Targets factor category value.

SF=Scaling factor.

Table 5–11 outlines the specific calculation procedure.

TABLE 5–11—SUBSURFACE INTRUSION COMPONENT SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Subsurface Intrusion Component:		
Likelihood of Exposure:		
1. Observed Exposure	550	
2. Potential for Exposure.		
2a. Structure Containment	10	
2b. Depth to contamination	10	
2c. Vertical Migration	15	
2d. Vapor Migration Potential	25	
3. Potential for Exposure (lines 2a * (2b + 2c + 2d), subject to a maximum of 500)	500	
4. Likelihood of Exposure (higher of lines 1 or 3)	550	
Waste Characteristics:		
5. Toxicity/Degradation	([a])	
6. Hazardous Waste Quantity	([a])	
7. Waste Characteristics (subject to a maximum of 100)	100	
Targets:		
8. Exposed Individual	50	
9. Population:.		
9a. Level I Concentrations	([b])	
9b. Level II Concentrations	([b])	
9c. Population within an Area of Subsurface Contamination	([b])	
9d. Total Population (lines 9a + 9b + 9c)	([b])	
10. Resources	5	
11. Targets (lines 8 + 9d + 10)	([b])	
Subsurface Intrusion Component Score:		
12. Subsurface Intrusion Component (lines 4 × 7 × 11)/82,500[c] (subject to a maximum of 100)	100	
Soil Exposure and Subsurface Intrusion Pathway Score:		
13. Soil Exposure Component + Subsurface Intrusion Component (subject to a maximum of 100)	100	

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] Do not round to the nearest integer.

5.2.0 *General considerations.* The subsurface intrusion component evaluates the threats from hazardous substances that have or could intrude into regularly occupied structures from the subsurface. Evaluate the subsurface intrusion component based on the actual or potential intrusion of hazardous substances into all regularly occupied structures that have structure containment values greater than zero and meet the criteria identified in the section below as being either in an area of observed exposure or in an area of subsurface contamination. These structures may or may not have subunits. Subunits are partitioned areas within a structure with separate heating, ventilating, and air conditioning (HVAC) systems or distinctly different air exchange rates. Subunits include regularly occupied partitioned tenant spaces such as office suites, apartments, condos, common or shared areas, and portions of residential, commercial or industrial structures with separate heating, ventilating, and air conditioning (HVAC) systems.

In evaluating the subsurface intrusion component, consider the following:

• Area(s) of observed exposure: An area of observed exposure is delineated by regularly occupied structures with documented contamination meeting observed exposure criteria; an area of observed exposure includes regularly occupied structures with samples meeting observed exposure criteria or inferred to be within an area of observed exposure based on samples meeting observed exposure criteria (see section 5.2.1.1.1 *Observed exposure*). Establish areas of observed exposure as follows:

—For regularly occupied structures that have no subunits, consider both the regularly occupied structures containing sampling location(s) meeting observed exposure criteria for the site and the regularly occupied structure(s) in the area lying between such locations to be an area of observed exposure (*i.e.*, inferred to be in an area of observed exposure), unless available information indicates otherwise.

—In multi-story, multi-subunit, regularly occupied structures, consider all subunits on a level with sampling locations meeting observed exposure criteria from the site and all levels below, if any, to be within an area of observed exposure, unless available information indicates otherwise.

—In multi-tenant structures, that do not have a documented observed exposure, but are located in an area lying between locations where observed exposures have been documented, consider only those regularly occupied subunits, if any, on the lowest level of the structure, to be within an area of observed exposure (*i.e.*, inferred to be in an area of observed exposure, unless available information indicates otherwise.

• Area(s) of subsurface contamination: An area of subsurface contamination is delineated by sampling locations meeting observed release criteria for subsurface intrusion, excluding areas of observed exposure (see Table 2–3 in section 2.3). The area within an area of subsurface contamination includes potentially exposed populations. If the significant increase in hazardous substance levels cannot be attributed at least in part to the site, and cannot be attributed to other sites, attribution can be established based on the presence of hazardous substances in the area of subsurface contamination. Establish areas of subsurface contamination as follows:

—Exclude those areas that contain structures meeting the criteria defined as an area of observed exposure.

—Consider both the sampling location(s) with subsurface contamination meeting observed release criteria from the site and the area lying between such locations to be an area of subsurface contamination (*i.e.*, inferred to be in an area of subsurface contamination). If sufficient data is available and state of the science shows there is no unacceptable risk due to subsurface intrusion into a regularly occupied structure located within an area of subsurface contamination, that structure can be excluded from the area of subsurface contamination.

—Evaluate an area of subsurface contamination based on hazardous substances that:

■ Meet the criteria for observed exposure of a chemical that has a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m³/mol, or

■ Meet the criteria for observed release in an area of subsurface contamination and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m³/mol, or

■ Meet the criteria for an observed release in a structure within, or in a sample from below, an area of observed exposure and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m³/mol.

—Evaluate all structures with no subunits that have containment factor values greater than zero, and not documented to meet observed exposure criteria to be in an area of subsurface contamination if they are lying between locations of subsurface intrusion samples meeting observed release criteria.

—Evaluate multi-subunit structures as follows:

■ If an observed exposure has been documented based on a gaseous indoor air sample, consider all regularly occupied subunit(s), if any, on the level immediately above the level where an observed exposure has been documented (or has been inferred to be within an area of observed exposure), to be within an area of subsurface contamination. If sufficient data is available and state of the science shows there is no unacceptable risk due to subsurface intrusion on the level immediately above the level where an observed exposure has been documented (or has been inferred to be within an area of observed exposure) that level can be excluded from the area of subsurface contamination.

■ If observed release criteria have been met based on a gaseous indoor air sample collected from a level not regularly occupied, consider all regularly occupied subunit(s), if any, on the level immediately above the level where the observed release criteria has been documented, to be within an area of subsurface contamination. If sufficient data is available and state of the science shows there is no unacceptable risk due to subsurface intrusion on the level immediately above the level where the observed release criteria has been documented that level can be excluded from the area of subsurface contamination.

■ If any regularly occupied multi-subunit structure is inferred to be in an area of subsurface contamination, consider only those regularly occupied subunit(s), if any, on the lowest level, to be within an area of subsurface contamination. If sufficient data is available and state of the science shows there is no unacceptable risk due to subsurface intrusion on the lowest level, that structure can be excluded from the area of subsurface contamination.

See Section 7.0 for establishing an area of subsurface contamination based on the presence of radioactive hazardous substances.

If there is no area of observed exposure and no area of subsurface contamination, assign a score of 0 for the subsurface intrusion component.

5.2.1 *Subsurface intrusion component.* Evaluate this component only if there is an area of observed exposure or area of subsurface contamination:

• Within or underlying a residence, school, day care center, workplace, or

• Within or underlying a resource specified in section 5.2.1.3.3.

5.2.1.1 *Likelihood of exposure.* Assign a value of 550 to the likelihood of exposure factor category for the subsurface intrusion component if there is an area of observed exposure in one or more locations listed in section 5.2.1. Enter this value in Table 5–11.

5.2.1.1.1 *Observed exposure.* Establish observed exposure in a regularly occupied structure by demonstrating that a hazardous substance has been released into a regularly occupied structure via the subsurface. Base this demonstration on either of the following criteria:

• Direct observation:

—A solid, liquid, or gaseous material that contains one or more hazardous substances attributable to the site has been observed entering a regularly occupied structure through migration via the subsurface or is known to have entered a regularly occupied structure via the subsurface, or

—When evidence supports the inference of subsurface intrusion of a material that contains one or more hazardous substances associated with the site into a regularly occupied structure, demonstrated adverse effects associated with that release may be used to establish observed exposure.

• Chemical analysis:

—Analysis of indoor samples indicates that the concentration of hazardous substance(s) is significantly above the background concentration for the site for that type of sample (see section 2.3).

—Some portion of the significant increase above background must be attributable to the site to establish the observed exposure. Documentation of this attribution should account for possible concentrations of the hazardous substance(s) in outdoor air or from materials found in the regularly occupied structure, and should provide a rationale for the increase being from subsurface intrusion.

If observed exposure can be established in a regularly occupied structure, assign an observed exposure factor value of 550, enter this value in Table 5–11, and proceed to section 5.2.1.1.3. If no observed exposure can be established, assign an observed exposure factor value of 0, enter this value in Table 5–11, and proceed to section 5.2.1.1.2.

5.2.1.1.2 *Potential for exposure.* Evaluate potential for exposure only if an observed exposure cannot be established, but an area of subsurface contamination has been delineated. Evaluate potential for exposure based only on the presence of hazardous substances with a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol. Evaluate potential for exposure for each area of subsurface contamination based on four factors: Structure containment (see section 5.2.1.1.2.1), depth to contamination (see section 5.2.1.1.2.2), vertical migration (see section 5.2.1.1.2.3) and vapor migration potential (see section 5.2.1.1.2.4). For each area of subsurface contamination, assign the highest value for each factor. If information is insufficient to calculate any single factor value used to calculate the potential for exposure factor values at an identified area of subsurface contamination, information collected for another area of subsurface contamination at the site may be used when evaluating potential for exposure. Calculate the potential for exposure value for the site as specified in section 5.2.1.1.2.5.

5.2.1.1.2.1 *Structure containment.* Calculate containment for eligible hazardous substances within this component as directed in Table 5–12 and enter this value into Table 5–11. Assign each regularly occupied structure within an area of subsurface contamination the highest appropriate structure containment value from Table 5–12 and use the regularly occupied structure at the site with the highest structure containment value in performing the potential for exposure calculation. For all regularly occupied structures with unknown containment features assign a structure containment value of greater than zero for the purposes of evaluating targets (see section 5.2.1.3).

TABLE 5–12—STRUCTURE CONTAINMENT

No.	Evidence of structure containment	Assigned value
1.	Regularly occupied structure with evidence of subsurface intrusion, including documented observed exposure or sampling of bio or inert gases, such as methane and radon.	10
2.	Regularly occupied structure with open preferential subsurface intrusion pathways (*e.g.*, sumps, foundation cracks, unsealed utility lines).	10
3.	Regularly occupied structure with an engineered vapor migration barrier system that does not address all preferential subsurface intrusion pathways.	7
4.	Regularly occupied structure with an engineered passive vapor mitigation system *without* documented institutional controls (*e.g.*, deed restrictions) or evidence of regular maintenance and inspection.	6
5.	Regularly occupied structure with no visible open preferential subsurface intrusion pathways from the subsurface (*e.g.*, sumps, foundation cracks, unsealed utility lines).	4
6.	Regularly occupied structure with an engineered passive vapor mitigation system (*e.g.*, passive venting) *with* documented institutional controls (*e.g.*, deed restrictions) or evidence of regular maintenance and inspection.	3
7.	Regularly occupied structure with an engineered, active vapor mitigation system (*e.g.*, active venting) *without* documented institutional controls (*e.g.*, deed restrictions) and funding in place for on-going operation, inspection and maintenance.	2

TABLE 5–12—STRUCTURE CONTAINMENT—Continued

No.	Evidence of structure containment	Assigned value
8.	Regularly occupied structure with a permanent engineered, active vapor mitigation system (*e.g.*, active venting) *with* documented institutional controls (*e.g.*, deed restrictions) and funding in place for on-going operation, inspection and maintenance.	1
9.	Regularly occupied structure with a foundation raised greater than 6 feet above ground surface (*e.g.*, structure on stilts) or structure that has been built, and maintained, in a manner to prevent subsurface intrusion.	0

5.2.1.1.2.2 *Depth to contamination.* Assign each area of subsurface contamination a depth to contamination based on the least depth to either contaminated crawl space or subsurface media underlying a regularly occupied structure. Measure this depth to contamination based on the distance between the lowest point of a regularly occupied structure to the highest known point of hazardous substances eligible to be evaluated. Use any regularly occupied structure within an area of subsurface contamination with a structure containment factor value greater than zero. Subtract from the depth to contamination the thickness of any subsurface layer composed of features that would allow channelized flow (*e.g.*, karst, lava tubes, open fractures, as well as manmade preferential pathways such as utility conduits or drainage systems).

Based on this calculated depth, assign a factor value from Table 5–13. If the necessary information is available at multiple locations, calculate the depth to contamination at each location. Use the location having the least depth to contamination to assign the factor value. Enter this value in Table 5–11.

TABLE 5–13—DEPTH TO CONTAMINATION

Depth range [1] [2]	Depth to contamination assigned value
0 to <10 ft (including subslab and semi-enclosed or enclosed crawl space contamination)	10
>10 to 20 ft	8
>20 to 50 ft	6
>50 to 100 ft	4
>100 to 150 ft	2
>150 ft	0

[1] If any part of the subsurface profile has channelized flow features, assign that portion of the subsurface profile a depth of 0.

[2] Measure elevation below any regularly occupied structure within an area of subsurface contamination at a site. Select the regularly occupied structure with the least depth to contamination below a structure.

5.2.1.1.2.3 *Vertical migration.* Evaluate the vertical migration factor for each area of subsurface contamination based on the geologic materials in the interval between the lowest point of a regularly occupied structure and the highest known point of hazardous substances in the subsurface. Use any regularly occupied structure either within an area of subsurface contamination or overlying subsurface soil gas or ground water contamination. Assign a value to the vertical migration factor as follows:

- If the depth to contamination (see section 5.2.1.1.2.2) is 10 feet or less, assign a value of 15.
- If the depth to contamination is greater than 10 feet, do not consider layers or portions of layers within the first 10 feet of the depth to contamination (as assigned in section 5.2.1.1.2.2).
- If, for the interval between the lowest point of a regularly occupied structure and the highest point of hazardous substances in the subsurface, all layers that underlie a portion of a regularly occupied structure at the site are karst or otherwise allow channelized flow, assign a value of 15.
- Otherwise:

—Select the lowest effective porosity/permeability layer(s) from within the interval identified above. Consider only layers at least 1 foot thick.—Assign a value for individual layers from Table 5–14 using the hydraulic conductivity of the layer, if available. If the hydraulic conductivity is not available, assign a value based on the type of material in the selected layer.

—If more than one layer has the same assigned porosity/permeability value, include all such layers and sum their thicknesses. Assign a thickness of 0 feet to a layer with channelized flow features found within any area of subsurface contamination at the site.

—Assign a value from Table 5–15 to the vertical migration factor, based on the thickness and assigned porosity/permeability value of the lowest effective porosity/permeability layer(s).

Determine vertical migration only at locations within an area of subsurface contamination at the site. If the necessary subsurface geologic information is available at multiple locations, evaluate the vertical migration factor at each location. Use the location having the highest vertical migration factor value to assign the factor value. Enter this value in Table 5–11.

TABLE 5–14—EFFECTIVE POROSITY/PERMEABILITY OF GEOLOGIC MATERIALS

Type of material	Hydraulic conductivity (cm/sec)	Assigned porosity/ permeability value
Gravel; clean sand; highly permeable fractured igneous and metamorphic rocks; permeable basalt; karst limestones and dolomites.	Greater than or equal to 1×10^{-3}.	1
Sand; sandy clays; sandy loams; loamy sands; sandy silts; sediments that are predominantly sand; highly permeable till (coarse-grained, unconsolidated or compact and highly fractured); peat; moderately permeable limestones and dolomites (no karst); moderately permeable sandstone; moderately permeable fractured igneous and metamorphic rocks.	Less than 1×10^{-3} ..	2
Silt; loams; silty loams; loesses; silty clays; sediments that are predominantly silts; moderately permeable till (fine-grained, unconsolidated till, or compact till with some fractures); low permeability limestones and dolomites (no karst); low permeability sandstone; low permeability fractured igneous and metamorphic rocks.	Less than 1×10^{-5} ..	3
Clay; low permeability till (compact unfractured till); shale; unfractured metamorphic and igneous rocks.	Less than 1×10^{-7} ..	4

TABLE 5–15—VERTICAL MIGRATION FACTOR VALUES [a]

Assigned porosity/permeability value	Thickness of lowest porosity layer(s) [b] (feet)					
	0 to 5	Greater than 5 to 10	Greater than 10 to 20	Greater than 20 to 50	Greater than 50 to 100	Greater than 100 to 150
1	15	15	14	11	8	6
2	15	14	12	9	6	4
3	15	13	10	7	5	2
4	15	12	9	6	3	1

[a] If depth to contamination is 10 feet or less or if, for the interval being evaluated, all layers that underlie a portion of the structure at the site are karst or have other channelized flow features, assign a value of 15.
[b] Consider only layers at least 1 foot thick.

5.2.1.1.2.4 *Vapor migration potential.* Evaluate this factor for each area of subsurface contamination as follows:

• If the depth to contamination (see section 5.2.1.1.2.2) is 10 feet or less, assign a value of 25.

• Assign a value for vapor migration potential to each of the gaseous hazardous substances associated with the area of subsurface contamination (see section 2.2.2) as follows:

—Assign values from Table 5–16 for both vapor pressure and Henry's constant to each hazardous substance. If Henry's constant cannot be determined for a hazardous substance, assign that hazardous substance a value of 2 for the Henry's constant component.

—Sum the two values assigned to each hazardous substance.

—Based on this sum, assign each hazardous substance a value from Table 5–17 for vapor migration potential.

• Assign a value for vapor migration potential to each area of subsurface contamination as follows:

—Select the hazardous substance associated with the area of subsurface contamination with the highest vapor migration potential value and assign this value as the vapor migration potential factor value for the area of subsurface contamination.

Enter this value in Table 5–11.

TABLE 5–16—VALUES FOR VAPOR PRESSURE AND HENRY'S CONSTANT

	Assigned value
Vapor Pressure (Torr):	
Greater than 10	3
1 to 10	2
Less than 1	0
Henry's Constant (atm-m^3/mol):	
Greater than 10^{-3}	3
Greater than 10^{-4} to 10^{-3}	2
10^{-5} to 10^{-4}	1
Less than 10^{-5}	0

TABLE 5–17—VAPOR MIGRATION POTENTIAL FACTOR VALUES FOR A HAZARDOUS SUBSTANCE

Sum of values for vapor pressure and Henry's constant	Assigned value
0	0
1 or 2	5
3 or 4	15
5 or 6	25

5.2.1.1.2.5 *Calculation of potential for exposure factor value.* For each identified area of subsurface contamination, sum the factor values for depth to contamination, vertical migration, and vapor migration potential, and multiply this sum by the factor value for structure containment. Select the highest product for any area of subsurface contamination and assign this value as the potential for exposure factor value for the component. Enter this value in Table 5–11.

5.2.1.1.3 *Calculation of likelihood of exposure factor category value.* If observed exposure is established for the site, assign the observed exposure factor value of 550 as the likelihood of exposure factor category value for the site. Otherwise, assign the potential for exposure factor value for the component as the likelihood of exposure value. Enter the value assigned in Table 5–11.

5.2.1.2 *Waste characteristics.* Evaluate waste characteristics based on two factors: toxicity/degradation and hazardous waste quantity.

5.2.1.2.1 *Toxicity/degradation.* For each hazardous substance, assign a toxicity factor value, a degradation factor value and a combined toxicity/degradation factor value as specified in sections 2.2.3, 2.4.1.2 and 5.2.1.2.1.1 through 5.2.1.2.1.3.

5.2.1.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in sections 2.2.2 and 2.4.1.1.

5.2.1.2.1.2 *Degradation.* Assign a degradation factor value to each hazardous substance as follows:

• For any hazardous substance that meets the criteria for an observed exposure, or if a NAPL is present in the subsurface below an area of observed exposure or area of subsurface contamination at a depth less than or equal to 30 feet, assign that substance a degradation factor value of 1.

• For all other situations, assign a degradation factor value using Table 5–18. Assign the depth to contamination as directed in section 5.2.1.1.2.2, except if evidence indicates that biologically active soil is not present throughout the depth beneath any regularly occupied structure. In this situation, subtract any thickness of non-biologically active soil from the estimated depth to contamination.

TABLE 5–18—DEGRADATION FACTOR VALUE TABLE

Depth to contamination (feet) [a]	Half-life		
	>100 Days	>30 days and ≤100 days	≤30 days
<10	1	1	1
10 to ≤30	1	1	0.1
>30	1	0.5	0.1

[a] When determining the depth to contamination do not include layers of non-biologically-active soil, nor subsurface intervals with channelized flow (*e.g.,* karst, lava tubes, open fractures, and manmade preferential pathways as directed in section 5.2.1.1.2.2).

Calculate the half-life for each hazardous substance that meets subsurface intrusion observed release criteria as follows:

The half-life of a substance in the subsurface is defined for HRS purposes as the time required to reduce the initial concentration of the substance in the subsurface by one-half as a result of the combined decay processes of two components: Biodegradation and hydrolysis.

Estimate the half-life ($t_{1/2}$) of a hazardous substance as follows:

$$t_{1/2} = \frac{1}{1/h + 1/b}$$

Where:

h=Hydrolysis half-life.

b=Biodegradation half-life.

If either of these component half-lives cannot be estimated for the hazardous substance from available data, delete that component half-life from the above equation.

If no half-life information is available for a hazardous substance and the substance is not already assigned a value of 1, unless information indicates otherwise, assign a value of 1.

5.2.1.2.1.3 *Calculation of toxicity/degradation factor value.* Assign each substance a toxicity/degradation value by multiplying the toxicity factor value by the degradation factor value. Use the hazardous substance with the highest combined toxicity/degradation value to assign the factor value to the toxicity/degradation factor for the subsurface intrusion threat. Enter this value in Table 5–11.

5.2.1.2.2 *Hazardous waste quantity.* Assign a hazardous waste quantity factor value as specified in section 2.4.2. Consider only those regularly occupied structures or subunits with a non-zero structure containment value. Also include all regularly occupied structures or subunits that have had mitigation systems installed as part of a removal or other temporary response action. If sufficient structure-specific concentration data is available and state of the science shows there is no unacceptable risk of exposure to populations in a regularly occupied structure or subunit in an area of subsurface contamination, that structure or subunit is not included in the hazardous waste quantity evaluation. In estimating the hazardous waste quantity, use Tables 2–5 and 5–19 and:

• For Tier A, hazardous constituent quantity, use the mass of constituents found in the regularly occupied structure(s) where the observed exposure has been identified.

—For multi-subunit structures, when calculating Tier A, use the mass of constituents found in the regularly occupied subunit space(s) where the observed exposure has been identified.

• For Tier B, hazardous wastestream quantity, use the flow-through volume of the regularly occupied structures where the observed exposure has been identified.

—For multi-subunit structures, when calculating Tier B, use the flow-through volume of the regularly occupied subunit spaces where the observed exposure has been identified.

• For Tier C, volume, use the volume divisor listed in Tier C of Table 5–19. Volume is calculated for those regularly occupied structures located within areas of observed exposure with observed or inferred intrusion and within areas of subsurface contamination.

—In evaluating the volume measure for these listed areas of observed exposure and areas of subsurface contamination based on a gaseous/vapor intrusion or the potential for gaseous/vapor intrusion, consider the following:

■ Calculate the volume of each regularly occupied structure based on actual data. If unknown, use a ceiling height of 8 feet.

■ For multi-subunit structures, when calculating Tier C, calculate volume for those subunit spaces with observed or inferred exposure and all other regularly occupied subunit spaces on that level, unless available information indicates otherwise. If the structure has multiple stories, also include the volume of all regularly occupied subunit spaces below the floor with an observed exposure and one story above, unless evidence indicates otherwise.

■ For multi-subunit structures within an area of subsurface contamination and no observed or inferred exposure, consider only the volume of the regularly occupied subunit spaces on the lowest story, unless available information indicates otherwise.

• For Tier D, area, if volume is unknown, use the area divisor listed in Tier D of Table 5–19 for those regularly occupied structures within areas of observed exposure with observed or inferred intrusion and within areas of subsurface contamination.

—In evaluating the area measure for these listed areas of observed exposure and areas of subsurface contamination, calculate the area of each regularly occupied structure (including multi-subunit structures) or subunit based on actual footprint area data.

■ If the actual footprint area of the structure(s) is unknown, use an area of 1,740 square feet for each structure (or subunit space).

■ For multi-subunit structures, when calculating Tier D, calculate area for those subunit spaces with observed or inferred exposure and all other regularly occupied subunit spaces on that level, unless available information indicates otherwise. If the structure has multiple stories, also include the area of all regularly occupied subunit spaces below the floor with an observed exposure and one story above, unless evidence indicates otherwise.

■ For multi-subunit structures within an area of subsurface contamination and no observed or inferred exposure, consider only the area of the regularly occupied subunit spaces on the lowest story, unless available information indicates otherwise.

TABLE 5–19—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS FOR SUBSURFACE INTRUSION COMPONENT

Tier	Measure	Units	Equation for assigning value[a]
A	Hazardous Constituent Quantity (C)	Lb	C
B[b]	Hazardous Wastestream Quantity (W)	Lb	W/5,000
C[b,c]	Volume (V).		
	Regularly occupied structure(s) in areas of observed exposure or subsurface contamination.	yd^3	V/2.5
D[b,d]	Area (A).		
	Regularly occupied structure(s) in areas of observed exposure or subsurface contamination.	ft^2	A/13

[a] Do not round to the nearest integer.
[b] Convert volume to mass when necessary: 1 ton=2,000 pounds=1 cubic yard=4 drums=200 gallons.
[c] Calculate volume of each regularly occupied structure or subunit space in areas of observed exposure and areas of subsurface contamination—Assume 8-foot ceiling height unless actual value is known.
[d] Calculate area of the footprint of each regularly occupied structure in areas of observed exposure and areas of subsurface contamination. If the footprint area of a regularly occupied structure is unknown, use 1,740 square feet as the footprint area of the structure or subunit space.

For the subsurface intrusion component, if the hazardous constituent quantity is adequately determined for all areas of observed exposure, assign the value from Table 2–6 as the hazardous waste quantity factor value. If the hazardous constituent quantity is not adequately determined for one or more areas of observed exposure or if one or more areas of subsurface contamination are present, assign either the value from Table 2–6 or assign a factor value as follows:

• If any target for the subsurface intrusion component is subject to Level I or Level II concentrations (see section 2.5), assign either the value from Table 2–6 or a value of 100, whichever is greater, as the hazardous waste quantity factor value for this component.

• If none of the targets for the subsurface intrusion component is subject to Level I or Level II concentrations and if there has been a removal action that does not permanently interrupt target exposure from subsurface intrusion, and if an area of subsurface contamination exists, assign a factor value as follows:

—Determine the values from Table 2–6 with and without consideration of the removal action.

—If the value that would be assigned from Table 2–6 without consideration of the removal action would be 100 or greater, assign either the value from Table 2–6 with consideration of the removal action or a value of 100, whichever is greater, as the hazardous waste quantity factor value for the component.

—If the value that would be assigned from Table 2–6 without consideration of the removal action would be less than 100, assign a value of 10 as the hazardous waste quantity factor value for the component.

• Otherwise, if none of the targets for the subsurface intrusion component is subject to Level I or Level II concentrations and there has not been a removal action, assign a value from Table 2–6 or a value of 10, whichever is greater.

Enter the value assigned in Table 5–11.

5.2.1.2.3 *Calculation of waste characteristics factor category value.* Multiply the toxicity/degradation and hazardous waste quantity factor values, subject to a maximum product of 1×10^8. Based on this product, assign a value from Table 2–7 (section 2.4.3.1) to the waste characteristics factor category. Enter this value in Table 5–11.

5.2.1.3 *Targets.* Evaluate the targets factor category for the subsurface intrusion threat based on three factors: Exposed individual, population, and resources in regularly occupied structures with structure containment factors greater than 0. Evaluate only those targets within areas of observed exposure and areas of subsurface contamination (see section 5.2.0).

In evaluating the targets factor category for the subsurface intrusion threat, count only the following as targets:

• Exposed individual—a person living, attending school or day care, or working in a regularly occupied structure with observed exposure or in a structure within an area of observed exposure or within an area of subsurface contamination.

• Population—exposed individuals in a regularly occupied structure within an area of observed exposure or within an area of subsurface contamination.

• Resources—located within an area of observed exposure or within an area of subsurface contamination as specified in section 5.2.1.3.3.

If a formerly occupied structure has been vacated due to subsurface intrusion attributable to the site, count the initial targets as if they were still residing in the structure. In addition, if a removal or temporary response action has occurred that has not completely mitigated the release, count the initial targets as if the removal or temporary response action has not permanently interrupted target exposure from subsurface intrusion. Evaluate those targets based on conditions at the time of removal of temporary response action.

For populations residing in or working in a multi-subunit structure with multiple stories in an area of observed exposure or area of subsurface contamination, count these targets as follows:

• If there is no observed exposure within the structure, include in the evaluation only those targets, if any, in the lowest occupied level. If sufficient structure-specific concentration data is available and state of the science shows there is no unacceptable risk of exposure to targets in the lowest level, those targets are not included in the evaluation.

• If there is an observed exposure in any level, include in the evaluation those targets in that level, the level above and all levels below. (The weighting of these targets is specified in Section 5.2.1.3.2.) If sufficient structure-specific concentration data is available and state of the science shows there is no unacceptable risk of exposure to targets in the level above where the observed exposure has been documented, those targets are not included in the evaluation.

5.2.1.3.1 *Exposed individual.* Evaluate this factor based on whether there is an exposed individual, as specified in sections 2.5.1, 2.5.2 and 5.2.1.3, who is subject to Level I or Level II concentrations.

First, determine those regularly occupied structures or partitioned subunit(s) within structures in an area of observed exposure subject to Level I concentrations and those subject to Level II concentrations as specified as follows (see section 5.2.0):

• Level I Concentrations: For contamination resulting from subsurface intrusion, compare the hazardous substance concentrations in any sample meeting the observed exposure by chemical analysis criteria to the appropriate benchmark. Use the health-based benchmarks from Table 5–20 to determine the level of contamination.

—If the sample is from a structure with no subunits and the concentration equals or exceeds the appropriate benchmark, assign Level I concentrations to the entire structure.

—If the sample is from a subunit within a structure and the concentration from that subunit equals or exceeds the appropriate benchmark, assign Level I concentrations to that subunit.

• Level II Concentrations: Structures, or subunits within structures, with one or more samples that meet observed exposure by chemical analysis criteria but do not equal or exceed the appropriate benchmark; structures, or subunits, that have an observed exposure by direct observation; and structures inferred to be in an area of observed exposure based on samples meeting observed exposure, are assigned Level II concentrations.

—For all regularly occupied structures, or subunits in such structures, in an area of observed exposure that are not assigned Level I concentrations, assign Level II concentrations.

Then assign a value to the exposed individual factor as follows:

• Assign a value of 50 if there is at least one exposed individual in one or more regularly occupied structures subject to Level I concentrations.

• Assign a value of 45 if there are no Level I exposed individuals, but there is at least one exposed individual in one or more regularly occupied structures subject to Level II concentrations.

• Assign a value of 20 if there is no Level I or Level II exposed individual but there is at least one individual in a regularly occupied structure within an area of subsurface contamination. Enter the value assigned in Table 5–11.

5.2.1.3.2 *Population.* Evaluate population based on three factors: Level I concentrations, Level II concentrations, and population within an area of subsurface contamination. Determine which factors apply as specified in section 5.2.1.3.1, using the health-based benchmarks from Table 5–20. Evaluate populations subject to Level I and Level II concentrations as specified in section 2.5.

TABLE 5–20—HEALTH-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN THE SUBSURFACE INTRUSION COMPONENT

Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk using the inhalation unit risk. For oral exposures use the oral cancer slope factor.
Screening concentration for noncancer toxicological responses corresponding to the reference dose (RfD) for oral exposure and the reference concentration (RfC) for inhalation exposures.

Count only those persons meeting the criteria for population as specified in section 5.2.1.3. In estimating the number of individuals in structures in an area of observed exposure or area of subsurface contamination if the actual number of residents is not known, multiply each residence by the average number of persons per residence for the county in which the residence is located.

5.2.1.3.2.1 *Level I concentrations.* Assign the population subject to Level I concentrations as follows:

1. Identify all exposed individuals regularly present in an eligible structure with a structure containment value greater than zero, or if the structure has subunits, identify those regularly present in each subunit,

located in an area of observed exposure subject to Level I concentrations as described in sections 5.2.0 and 5.2.1.3.1. Identify only once per structure those exposed individuals that are using more than one eligible subunit of the same structure (*e.g.*, using a common or shared area and other parts of the same structure).

2. For each structure or subunit count the number of individuals residing in or attending school or day care in the structure or subunit.

3. Count the number of full-time and part-time workers in the structure or subunit(s) subject to Level I concentrations. If information is unavailable to classify a worker as full- or part-time, evaluate that worker as being full-time. Divide the number of full-time workers by 3 and the number of part-time workers by 6, and then sum these products with the number of other individuals for each structure or subunit.

4. Sum this combined value for all structures, or subunits, within areas of observed exposure and multiply this sum by 10.

Assign the resulting product as the combined population factor value subject to Level I concentrations for the site. Enter this value in line 9a of Table 5–11.

5.2.1.3.2.2 *Level II concentrations.* Assign the population subject to Level II concentrations as follows:

1. Identify all exposed individuals regularly present in an eligible structure with a structure containment value greater than zero, or if the structure has subunits, identify those regularly present in each subunit, located in an area of observed exposure subject to Level II concentrations as described in sections 5.2.0 and 5.2.1.3.1. Identify only once per structure those exposed individuals that are using more than one eligible subunit of the same structure (*e.g.*, using a common or shared area and other parts of the same structure).

2. Do not include exposed individuals already counted under the Level I concentrations factor.

3. For each structure or subunit(s), count the number of individuals residing in or attending school or day care in the structure, or subunit, subject to Level II concentrations.

4. Count the number of full-time and part-time workers in the structure or subunit(s) subject to Level II concentrations. If information is unavailable to classify a worker as full- or part-time, evaluate that worker as being full-time. Divide the number of full-time workers by 3 and the number of part-time workers by 6, and then sum these products with the number of other individuals for each structure or subunit.

5. Sum the combined population value for all structures within the areas of observed exposure for the site.

Assign this sum as the combined population factor value subject to Level II concentrations for this site. Enter this value in line 9b of Table 5–11.

5.2.1.3.2.3 *Population within area(s) of subsurface contamination.* Assign the population in area(s) of subsurface contamination factor value as follows. If sufficient structure-specific concentration data is available and state of the science shows there is no unacceptable risk of exposure to populations in a regularly occupied structure in an area of subsurface contamination, those populations are not included in the evaluation. (see sections 5.2.0 and 5.2.1.3.1):

1. Identify the regularly occupied structures with a structure containment value greater than zero and the eligible population associated with the structures or portions of structures in each area of subsurface contamination:

• For each regularly occupied structure or portion of a structure in an area of subsurface contamination, sum the number of all individuals residing in or attending school or day care, in the structure or portion of the structure in the area of subsurface contamination.

• Count the number of full-time and part-time workers regularly present in each structure or portion of a structure in an area of subsurface contamination. If information is unavailable to classify a worker as full- or part-time, evaluate that worker as being full-time. Divide the number of full-time workers by 3 and the number of part-time workers by 6. Sum these products with the number of individuals residing in or attending school or day care in the structure.

• Use this sum as the population for the structure.

2. Estimate the depth or distance to contamination at each regularly occupied structure within an area of subsurface contamination based on available sampling data, and categorize each eligible structure based on the depth or distance to contamination and sample media as presented in Table 5–21. Weight the population in each structure using the appropriate weighting factors in Table 5–21. If samples from multiple media are available, use the sample that results in the highest weighting factor.

3. Sum the weighted population in all structures within the area(s) of subsurface contamination and assign this sum as the population within an area of subsurface contamination factor value. Enter this value in line 9c of Table 5–11.

TABLE 5–21—WEIGHTING FACTOR VALUES FOR POPULATIONS WITHIN AN AREA OF SUBSURFACE CONTAMINATION

Eligible populations [a] in structures [b] within an area of subsurface contamination	Population weighting factor
Samples From Within Structures or in Crawl Spaces	
1. Population in a structure with levels of contamination in a semi-enclosed or enclosed crawl space sample meeting observed release criteria or Population in a subunit of a multi-story structure within an area of subsurface contamination located directly above a level in an area of observed exposure or a gaseous indoor air sample meeting observed release criteria or Population within a structure where a mitigation system has been installed as part of a removal or other temporary response action.	0.9
2. Population in a structure where levels of contaminants meeting observed release criteria are inferred based on semi-enclosed or enclosed crawl space samples in surrounding structures, and a NAPL is present in those samples	0.8
3. Population in a structure where levels of contaminants meeting observed release criteria are inferred based on semi-enclosed or enclosed crawl space samples in surrounding structures, but no NAPL is present	0.4
Subsurface Samples From Less Than or Equal to 5 Feet From a Foundation	
4. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on any sampling media at or within five feet horizontally or vertically of the structure foundation, and a NAPL is present within that depth	0.8
5. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on any sampling media at or within five feet horizontally or vertically of the structure foundation, but no NAPL is present within that depth	0.4
Subsurface Samples From Greater Than 5 Feet But Less Than or Equal to 30 Feet Depth	
6. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on any underlying non-ground water subsurface sample at a depth greater than 5 feet but less than or equal to 30 feet from a structure foundation and a NAPL is present within that depth	0.4
7. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on any underlying non-ground water subsurface sample at a depth greater than 5 feet but less than or equal to 30 feet, but no NAPL is present within that depth	0.2
8. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on underlying ground water samples greater than 5 feet from the structure foundation but less than or equal to 30 feet, and a NAPL is present in those samples	0.2
9. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on underlying ground water samples greater than 5 feet from the structure foundation but less than or equal to 30 feet, but no NAPL is present in those samples	0.1
Subsurface Samples From Greater Than 30 Feet Depth	
10. Population in a structure where levels of contaminants meeting observed release criteria are found or inferred based on any underlying sample at depths greater than 30 feet	0.1

[a] Eligible populations include residents (including individuals living in, or attending school or day care in the structure), and workers in regularly occupied structures (see HRS Section 5.2.1.3).

[b] Eligible structures may include single- or multi-tenant structures where eligible populations reside, attend school or day care, or work. These structures may also be mixed use structures.

5.2.1.3.2.4 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and population within the area(s) of subsurface contamination. Assign this sum as the population factor value. Enter this value in line 9d of Table 5–11.

5.2.1.3.3 *Resources.* Evaluate the resources factor as follows:

- Assign a value of 5 if a resource structure (*e.g.*, library, church, tribal facility) is present and regularly occupied within either an area of observed exposure or area of subsurface contamination.
- Assign a value of 0 if there is no resource structure within an area of observed exposure or area of subsurface contamination.

Enter the value assigned in Table 5–11.

5.2.1.3.4 *Calculation of targets factor category value.* Sum the values for the exposed individual, population, and resources factors. Do not round to the nearest integer. Assign this sum as the targets factor category value for the subsurface intrusion component. Enter this value in Table 5–11.

5.2.2 *Calculation of subsurface intrusion component score.* Multiply the factor category values for likelihood of exposure, waste characteristics, and targets and round the product to the nearest integer. Divide the product by 82,500. Assign the resulting value, subject to a maximum of 100, as the subsurface intrusion component score and enter this score in Table 5–11.

5.3 *Calculation of the soil exposure and subsurface intrusion pathway score.* Sum the soil exposure component score and subsurface intrusion component score. Assign the resulting value, subject to a maximum of 100, as the soil exposure and subsurface intrusion pathway score (S_{sessi}). Enter this score in Table 5–11.

6.0 Air Migration Pathway

Evaluate the air migration pathway based on three factor categories: likelihood of release, waste characteristics, and targets. Figure 6–1 indicates the factors included within each factor category.

Determine the air migration pathway score (S_a) in terms of the factor category values as follows:

$$S_a = \frac{(LR)(WC)(T)}{SF}$$

where:

LR = Likelihood of release factor category value.

WC = Waste characteristics factor category value.

T = Targets factor category value.

SF = Scaling factor.

Table 6–1 outlines the specific calculation procedure.

Likelihood of Release (LR)		Waste Characteristics (WC)		Targets (T)
Observed Release or Potential to Release • Gas Potential to Release - Gas Containment - Gas Source Type - Gas Migration Potential • Particulate Potential to Release - Particulate Containment - Particulate Source Type - Particulate Migration Potential	X	Toxicity/Mobility • Toxicity - Chronic - Carcinogenic - Acute • Mobility - Gaseous Mobility - Particulate Mobility Hazardous Waste Quantity • Hazardous Constituent Quantity • Hazardous Wastestream Quantity • Volume • Area	X	Nearest Individual Population • Level I Concentrations • Level II Concentrations • Potential Contamination Resources Sensitive Environments • Actual Contamination • Potential Contamination

FIGURE 6-1
OVERVIEW OF AIR MIGRATION PATHWAY

TABLE 6–1—AIR MIGRATION PATHWAY SCORESHEET

Factor categories and factors	Maximum value	Value assigned
Likelihood of Release		
1. Observed Release	550	___
2. Potential to Release:		
2a. Gas Potential to Release	500	___
2b. Particulate Potential to Release	500	___
2c. Potential to Release (higher of lines 2a and 2b)	500	___

TABLE 6–1—AIR MIGRATION PATHWAY SCORESHEET—Continued

Factor categories and factors	Maximum value	Value assigned
3. Likelihood of Release (higher of lines 1 and 2c)	550	____
Waste Characteristics		
4. Toxicity/Mobility	(a)	____
5. Hazardous Waste Quantity	(a)	____
6. Waste Characteristics	100	____
Targets		
7. Nearest Individual	50	____
8. Population:		
8a. Level I Concentrations	(b)	____
8b. Level II Concentrations	(b)	____
8c. Potential Contamination	(b)	____
8d. Population (lines 8a + 8b + 8c)	(b)	____
9. Resources	5	____
10. Sensitive Environments		
10a. Actual Contamination	(c)	____
10b. Potential Contamination	(c)	____
10c. Sensitive Environments (lines 10a + 10b)	(c)	____
11. Targets (lines 7 + 8d + 9 + 10c)	(b)	____
Air Migration Pathway Score		
12. Pathway Score (S_a) [(lines 3 × 6 × 11)/82,500][d]	100	____

[a] Maximum value applies to waste characteristics category.
[b] Maximum value not applicable.
[c] No specific maximum value applies to factor. However, pathway score based solely on sensitive environments is limited to maximum of 60.
[d] Do not round to nearest integer.

6.1 *Likelihood of Release.* Evaluate the likelihood of release factor category in terms of an observed release factor or a potential to release factor.

6.1.1 *Observed release.* Establish an observed release to the atmosphere by demonstrating that the site has released a hazardous substance to the atmosphere. Base this demonstration on either:

• Direct observation—a material (for example, particulate matter) that contains one or more hazardous substances has been seen entering the atmosphere directly. When evidence supports the inference of a release of a material that contains one or more hazardous substances by the site to the atmosphere, demonstrated adverse effects accumulated with that release may be used to establish an observed release.

• Chemical analysis—an analysis of air samples indicates that the concentration of ambient hazardous substance(s) has increased significantly above the background concentration for the site (see section 2.3). Some portion of the significant increase must be attributable to the site to establish the observed release.

If an observed release can be established, assign an observed release factor value of 550, enter this value in table 6–1, and proceed to section 6.1.3. If an observed release cannot be established, assign an observed release factor value of 0, enter this value in table 6–1, and proceed to section 6.1.2.

6.1.2 *Potential to release.* Evaluate potential to release only if an observed release cannot be established. Determine the potential to release factor value for the site by separately evaluating the gas potential to release and the particulate potential to release for each source at the site. Select the highest potential to release value (either gas or particulate) calculated for the sources evaluated and assign that value as the site potential to release factor value as specified below.

6.1.2.1 *Gas potential to release.* Evaluate gas potential to release for those sources that contain gaseous hazardous substances—that is, those hazardous substances with a vapor pressure greater than or equal to 10^{-9} torr.

Evaluate gas potential to release for each source based on three factors: gas containment, gas source type, and gas migration potential. Calculate the gas potential to release value as illustrated in table 6–2. Combine sources with similar characteristics into a single source in evaluating the gas potential to release factors.

TABLE 6–2—GAS POTENTIAL TO RELEASE EVALUATION

Source	Source type[a]	Gas containment factor value[b]	Gas source type factor value[c]	Gas migration potential factor value[d]	Sum	Gas source value
		A	B	C	(B + C)	A(B + C)
1..						
2..						
3..						
4..						
5..						
6..						
7..						
8..						
Gas Potential to Release Factor (Select the Highest Gas Source Value)						

[a] Enter a Source Type listed in table 6–4.
[b] Enter Gas Containment Factor Value from section 6.1.2.1.1.
[c] Enter Gas Source Type Factor Value from section 6.1.2.1.2.
[d] Enter Gas Migration Potential Factor Value from section 6.1.2.1.3.

6.1.2.1.1 *Gas containment.* Assign each source a value from table 6–3 for gas containment. Use the lowest value from table 6–3 that applies to the source, except: assign a value of 10 if there is evidence of biogas release or if there is an active fire within the source.

TABLE 6–3—GAS CONTAINMENT FACTOR VALUES

Gas containment description	Assigned value
All situations except those specifically listed below	10
Evidence of biogas release	10[a]
Active fire within source	10[a]
Gas collection/treatment system functioning, regularly inspected, maintained, and completely covering source	0
Source substantially surrounded by engineering windbreak and no other containment specifically described in this table applies	7
Source covered with essentially impermeable, regularly inspected, maintained cover	0
Uncontaminated soil cover >3 feet:	
• Source substantially vegetated with little exposed soil	0
• Source lightly vegetated with much exposed soil	3
• Source substantially devoid of vegetation	7
Uncontaminated soil cover ≥1 foot and ≤3 feet:	
• Source heavily vegetated with essentially no exposed soil.	
—Cover soil type resistant to gas migration[b]	3
—Cover soil type not resistant to gas migration[b] or unknown	7
• Source substantially vegetated with little exposed soil and cover soil type resistant to gas migration[b]	7
• Other	10
Uncontaminated soil cover <1 foot:	
• Source heavily vegetated with essentially no exposed soil and cover soil type resistant to gas migration[b]	7
• Other	10
Totally or partially enclosed within structurally intact building and no other containment specifically described in this table applies	7
Source consists solely of intact, sealed containers:	
• Totally protected from weather by regularly inspected, maintained cover	0
• Other	3

[a] This value must be used if applicable.
[b] Consider moist fine-grained and saturated coarse-grained soils resistant to gas migration. Consider all other soils nonresistant.

6.1.2.1.2 *Gas source type.* Assign a value for gas source type to each source as follows:

• Determine if the source meets the minimum size requirement based on the source hazardous waste quantity value (see section 2.4.2.1.5). If the source receives a source hazardous waste quantity value of 0.5 or more, consider the source to meet the minimum size requirement.

• If the source meets the minimum size requirement, assign it a value from table 6–4 for gas source type.

• If the source does not meet the minimum size requirement, assign it a value of 0 for gas source type.

If no source at the site meets the minimum size requirement, assign each source at the site a value from table 6–4 for gas source type.

TABLE 6–4—SOURCE TYPE FACTOR VALUES

Source type	Assigned value	
	Gas	Particulate
Active fire area	14	30
Burn pit	19	22
Containers or tanks (buried/below-ground):		
• Evidence of biogas release	33	22
• No evidence of biogas release	11	22
Containers or tanks, not elsewhere specified	28	14
Contaminated soil (excluding land treatment)	19	22
Landfarm/land treatment	28	22
Landfill:		
• Evidence of biogas release	33	22
• No evidence of biogas release	11	22
Pile:		
• Tailings pile	6	28
• Scrap metal or junk pile	6	17
• Trash pile	6	6
• Chemical waste pile	11	28
• Other waste piles	17	28
Surface impoundments (buried/backfilled):		
• Evidence of biogas release	33	22
• No evidence of biogas release	11	22
Surface impoundment (not buried/backfilled):		
• Dry	19	22
• Other	28	0
Other types of sources, not elsewhere specified	0	0

6.1.2.1.3 *Gas migration potential.* Evaluate this factor for each source as follows:

• Assign a value for gas migration potential to each of the gaseous hazardous substances associated with the source (see section 2.2.2) as follows:

–Assign values from table 6–5 for vapor pressure and Henry's constant to each hazardous substance. If Henry's constant cannot be determined for a hazardous substance, assign that hazardous substance a value of 2 for the Henry's constant component.

–Sum the two values assigned to the hazardous substance.

–Based on this sum, assign the hazardous substance a value from table 6–6 for gas migration potential.

• Assign a value for gas migration potential to each source as follows:

–Select three hazardous substances associated with the source:

–If more than three gaseous hazardous substances can be associated with the source, select three that have the highest gas migration potential values.

–If fewer than three gaseous hazardous substances can be associated with a source, select all of them.

–Average the gas migration potential values assigned to the selected hazardous substances.

–Based on this average value, assign the source a gas migration potential value from table 6–7.

TABLE 6–5—VALUES FOR VAPOR PRESSURE AND HENRY'S CONSTANT

Vapor pressure (Torr)	Assigned value
Greater than 10	3
Greater than 10^{-3} to 10	2
10^{-5} to 10^{-3}	1
Less than 10^{-5}	0

Henry's constant (atm-m³/mol)	Assigned value
Greater than 10^{-3}	3
Greater than 10^{-5} to 10^{-3}	2
10^{-7} to 10^{-5}	1
Less than 10^{-7}	0

TABLE 6–6—GAS MIGRATION POTENTIAL VALUES FOR A HAZARDOUS SUBSTANCE

Sum of values for vapor pressure and Henry's constant	Assigned value
0	0
1 or 2	6
3 or 4	11
5 or 6	17

TABLE 6–7—GAS MIGRATION POTENTIAL VALUES FOR THE SOURCE

Average of gas migration potential values for three hazardous substances [a]	Assigned value
0 to <3	0
3 to <8	6
8 to <14	11
14 to 17	17

[a] If fewer than three hazardous substances can be associated with the source, compute the average based only on those hazardous substances that can be associated.

6.1.2.1.4 *Calculation of gas potential to release value.* Determine the gas potential to release value for each source as illustrated in table 6–2. For each source, sum the gas source type factor value and gas migration potential factor value and multiply this sum by the gas containment factor value. Select the highest product calculated for the sources evaluated and assign it as the gas potential to release value for the site. Enter this value in table 6–1.

6.1.2.2 *Particulate potential to release.* Evaluate particulate potential to release for those sources that contain particulate hazardous substances—that is, those hazardous substances with a vapor pressure less than or equal to 10^{-1} torr.

Evaluate particulate potential to release for each source based on three factors: particulate containment, particulate source type, and particulate migration potential.

Calculate the particulate potential to release value as illustrated in table 6–8. Combine sources with similar characteristics into a single source in evaluating the particulate potential to release factors.

6.1.2.2.1 *Particulate containment.* Assign each source a value from table 6–9 for particulate containment. Use the lowest value from table 6–9 that applies to the source.

6.1.2.2.2 *Particulate source type.* Assign a value for particulate source type to each source in the same manner as specified for gas sources in section 6.1.2.1.2.

6.1.2.2.3 *Particulate migration potential.* Based on the site location, assign a value from Figure 6–2 for particulate migration potential. Assign this same value to each source at the site.

TABLE 6–8—PARTICULATE POTENTIAL TO RELEASE EVALUATION

Source	Source type [a]	Particulate containment factor value [b]	Particulate type factor value [c]	Particulate migration potential factor value [d]	Sum	Particulate source value
		A	B	C	(B + C)	A (B + C)
1..						
2..						
3..						
4..						
5..						
6..						
7..						
8..						
Particulate Potential to Release Factor Value (Select Highest Particulate Source Value)						

[a] Enter a Source Type listed in table 6–4.
[b] Enter Particulate Containment Factor Value from section 6.1.2.2.1.
[c] Enter Particulate Source Type Factor Value from section 6.1.2.2.2.
[d] Enter Particulate Migration Potential Factor Value from section 6.1.2.2.3.

TABLE 6–9—PARTICULATE CONTAINMENT FACTOR VALUES

Particulate containment description	Assigned value
All situations except those specifically listed below	10
Source contains only particulate hazardous substances totally covered by liquids	0
Source substantially surrounded by engineered windbreak and no other containment specifically described in this table applies	7
Source covered with essentially impermeable, regularly inspected, maintained cover	0
Uncontaminated soil cover >3 feet:	
• Source substantially vegetated with little or no exposed soil	0
• Source lightly vegetated with much exposed soil	3
• Source substantially devoid of vegetation	7
Uncontaminated soil cover ≥1 foot and ≤3 feet:	
• Source heavily vegetated with essentially no exposed soil:	
—Cover soil type resistant to gas migration [a]	3
—Cover soil type not resistant to gas migration [a] or unknown	7
• Source substantially vegetated with little exposed soil and cover soil type resistant to gas migration [a]	7
• Other	10
Uncontaminated soil cover <1 foot:	
• Source heavily vegetated with essentially no exposed soil and cover soil type resistant to gas migration [a]	7
• Other	10
Totally or partially enclosed within structurally intact building and no other containment specifically described in this table applies	7
Source consists solely of containers:	
• All containers contain only liquids	0
• All containers intact, sealed, and totally protected from weather by regularly inspected, maintained cover	0
• All containers intact and sealed	3
• Other	10

[a] Consider moist fine-grained and saturated coarse-grained soils resistant to gas migration. Consider all other soils nonresistant.

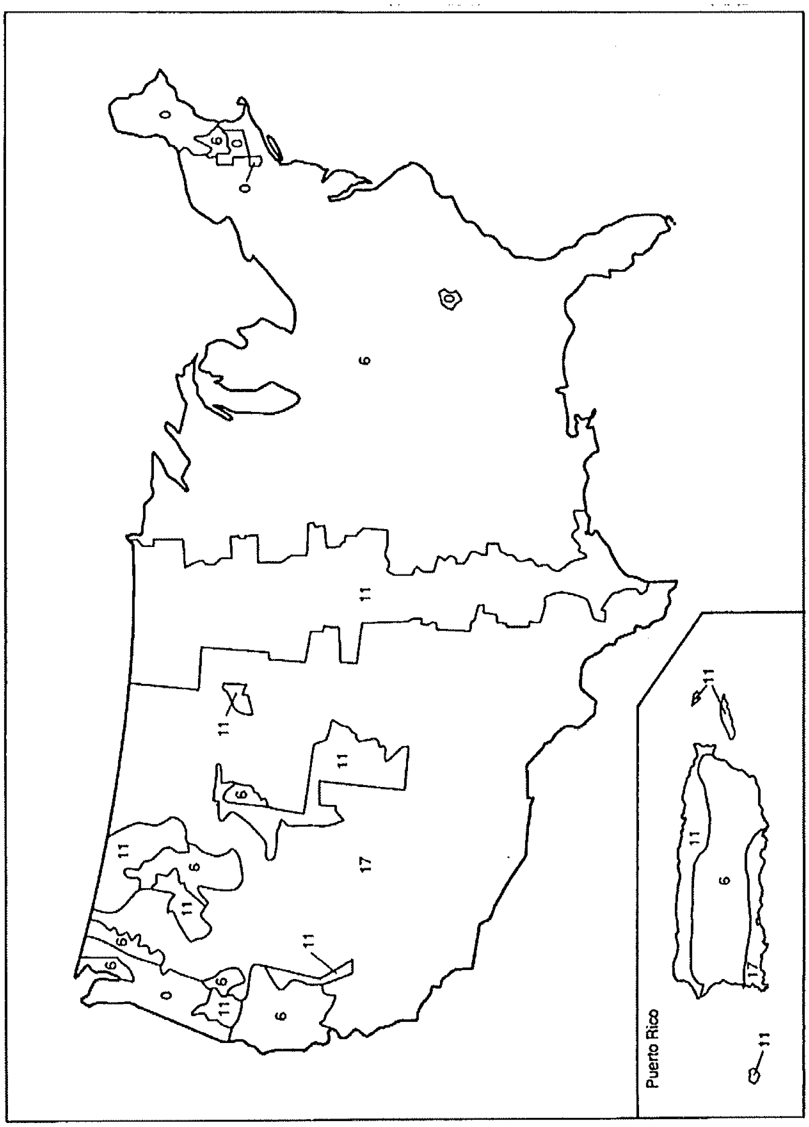


FIGURE 6-2
PARTICULATE MIGRATION POTENTIAL FACTOR VALUES

FIGURE 6–2—PARTICULATE MIGRATION POTENTIAL FACTOR VALUES—CONCLUDED

Location	Particulate migration potential assigned value
Hawaiian Islands	
Hilo, Hawaii	0
Honolulu, Oahu	17
Kahului, Maui	17
Lanai	17
Lihue, Kauai	11
Molokai	17
Pacific Islands	
Guam	6
Johnston Island	17
Koror Island	0
Kwajalein Island	6
Mujuro, Marshall Islands	0
Pago Pago, American Samoa	0
Ponape Island	0
Truk, Caroline Islands	0
Wake Island	17
Yap Island	0
Alaska	
Anchorage	17
Annette	0
Barrow	17
Barter Island	17
Bethel	17
Bettles	17
Big Delta	17
Cold Bay	6
Fairbanks	17
Gulkana	17
Homer	11
Juneau	0
King Salmon	11
Kodiak	0
Kotzebue	17
McGrath	17
Nome	11
St. Paul Island	11
Talkeetna	6
Unalakleet	17
Valdez	0
Yakutat	0
American Virgin Islands	
St. Croix	17
St. John	11
St. Thomas	11
Puerto Rico	
Arecibo	6
Coloso	6
Fajardo	11
Humacao	6
Isabela Station	11
Ponce	17
San Juan	11

For site locations not on Figure 6–2, and for site locations near the boundary points on Figure 6–2, assign a value as follows. First, calculate a Thornthwaite P-E index using the following equation:

$$PE = \sum_{i=1}^{12} 115\left[P_i/(T_i - 10)\right]^{10/9}$$

where:

PE = Thornthwaite P-E index.

P_i = Mean monthly precipitation for month i, in inches.

T_i = Mean monthly temperature for month i, in degrees Fahrenheit; for any month having a mean monthly temperature less than 28.4 °F, use 28.4 °F.

Based on the calculated Thornthwaite P-E index, assign a source particulate migration potential value to the site from table 6–10. Assign this same value to each source at the site.

TABLE 6–10—PARTICULATE MIGRATION POTENTIAL VALUES

Thornthwaite P-E Index	Assigned value
Greater than 150	0
85 to 150	6
50 to less than 85	11
Less than 50	17

6.1.2.2.4 *Calculation of particulate potential to release value.* Determine the particulate potential to release value for each source as illustrated in table 6–8. For each source, sum its particulate source type factor value and particulate migration potential factor value and multiply this sum by its particulate containment factor value. Select the highest product calculated for the sources evaluated and assign it as the particulate potential to release value for the site. Enter the value in table 6–1.

6.1.2.3 *Calculation of potential to release factor value for the site.* Select the higher of the gas potential to release value assigned in section 6.1.2.1.4 and the particulate potential to release value assigned in section 6.1.2.2.4. Assign the value selected as the site potential to release factor value. Enter this value in table 6–1.

6.1.3 *Calculation of likelihood of release factor category value.* If an observed release is established, assign the observed release factor value of 550 as the likelihood of release factor category value. Otherwise, assign the site potential to release factor value as the likelihood of release factor category value. Enter the value in table 6–1.

6.2 *Waste characteristics.* Evaluate the waste characteristics factor category based on two factors: toxicity/mobility and hazardous waste quantity. Evaluate only those hazardous substances available to migrate from the sources at the site to the atmosphere. Such hazardous substances include:

• Hazardous substances that meet the criteria for an observed release to the atmosphere.

• All gaseous hazardous substances associated with a source that has a gas containment factor value greater than 0 (see section 2.2.2, 2.2.3, and 6.1.2.1.1).

• All particulate hazardous substances associated with a source that has a particulate containment factor value greater than 0 (see section 2.2.2, 2.2.3, and 6.1.2.2.1).

6.2.1 *Toxicity/mobility.* For each hazardous substance, assign a toxicity factor value, a mobility factor value, and a combined toxicity/mobility factor value as specified below. Select the toxicity/mobility factor value for the air migration pathway as specified in section 6.2.1.3.

6.2.1.1 *Toxicity.* Assign a toxicity factor value to each hazardous substance as specified in section 2.4.1.1.

6.2.1.2 *Mobility.* Assign a mobility factor value to each hazardous substance as follows:

• Gaseous hazardous substance.

–Assign a mobility factor value of 1 to each gaseous hazardous substance that meets the criteria for an observed release to the atmosphere.

–Assign a mobility factor value from table 6–11, based on vapor pressure, to each gaseous hazardous substance that does not meet the criteria for an observed release.

• Particulate hazardous substance.

–Assign a mobility factor value of 0.02 to each particulate hazardous substance that meets the criteria for an observed release to the atmosphere.

–Assign a mobility factor value from Figure 6–3, based on the site's location, to each particulate hazardous substance that does not meet the criteria for an observed release. (Assign all such particulate hazardous substances this same value.)

–For site locations not on Figure 6–3 and for site locations near the boundary points on Figure 6–3, assign a mobility factor value to each particulate hazardous substance that does not meet the criteria for an observed release as follows:

–Calculate a value M:

$M = 0.0182\ (U^3/[PE]^2)$

where:

U = Mean average annual wind speed (meters per second).

PE = Thornthwaite P-E index from section 6.1.2.2.3.

–Based on the value M, assign a mobility factor value from table 6–12 to each particulate hazardous substance.

• Gaseous and particulate hazardous substances.

–For a hazardous substance potentially present in both gaseous and particulate forms, select the higher of the factor values for gas mobility and particulate mobility for that substance and assign that value as the mobility factor value for the hazardous substance.

6.2.1.3 *Calculation of toxicity/mobility factor value.* Assign each hazardous substance a toxicity/mobility factor value from table 6–13, based on the values assigned to the hazardous substance for the toxicity and mobility factors. Use the hazardous substance with the highest toxicity/mobility factor value to assign the value to the toxicity/mobility factor for the air migration pathway. Enter this value in table 6–1.

TABLE 6–11—GAS MOBILITY FACTOR VALUES

Vapor pressure (Torr)	Assigned value [a]
Greater than 10^{-1}	1.0
Greater than 10^{-3} to 10^{-1}	0.2
Greater than 10^{-5} to 10^{-3}	0.02
Greater than 10^{-7} to 10^{-5}	0.002
Less than or equal to 10^{-7}	0.0002

[a] Do not round to nearest integer.

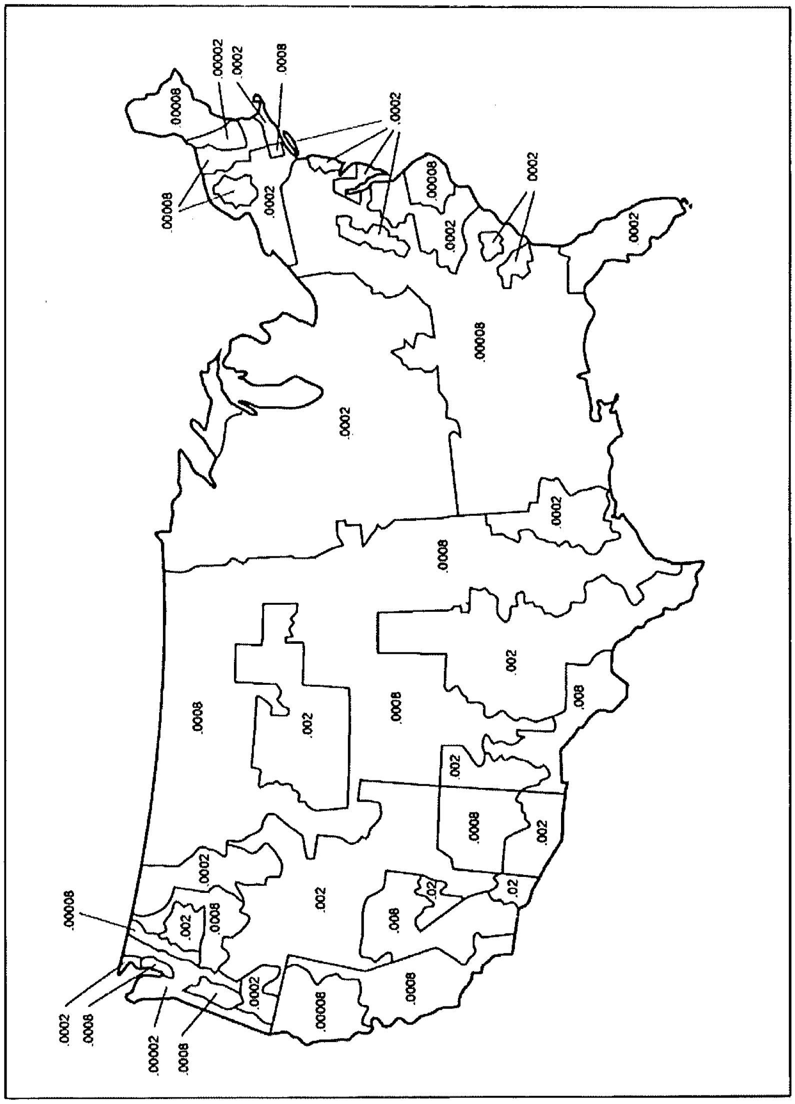
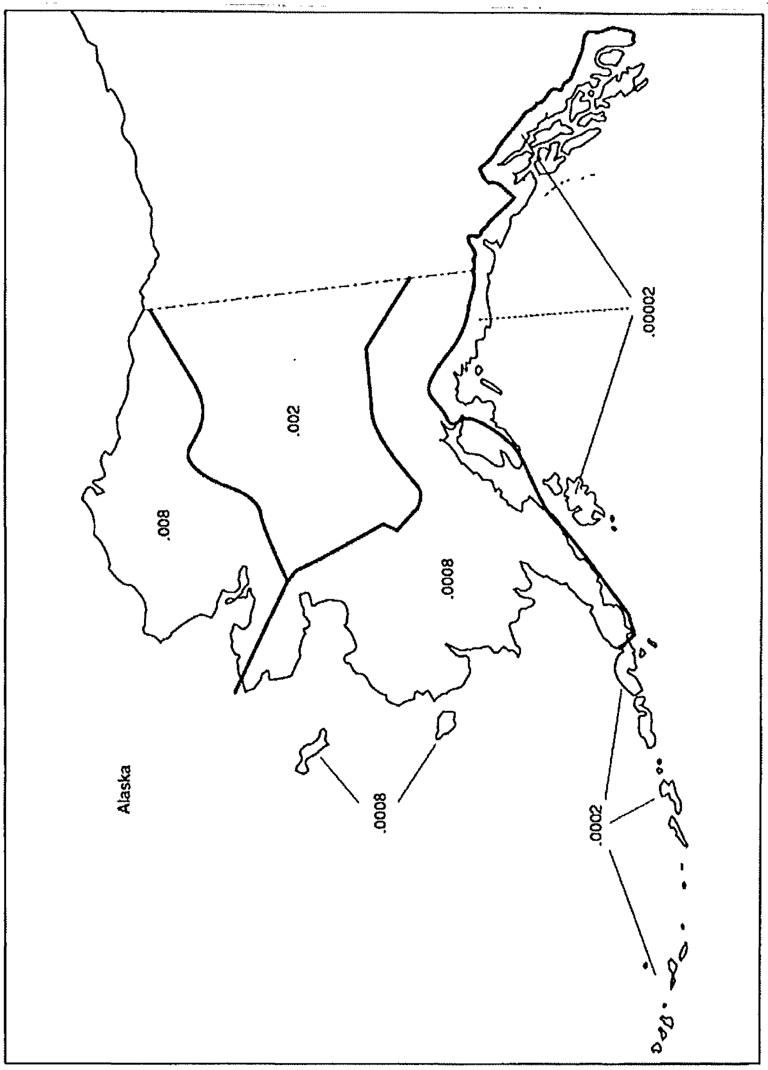


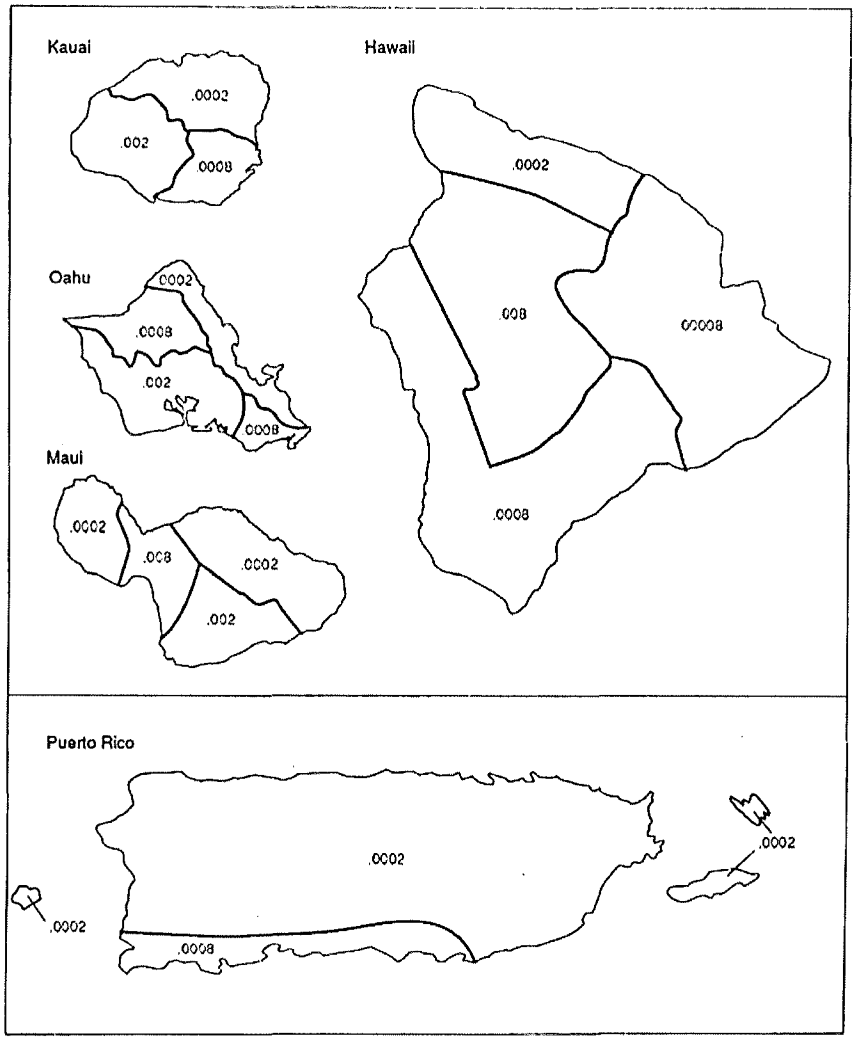
FIGURE 6-3
PARTICULATE MOBILITY FACTOR VALUES[a]

[a] Do not round to nearest integer.



[a] Do not round to nearest integer.

FIGURE 6-3
PARTICULATE MOBILITY FACTOR VALUES[a]
(CONTINUED)



[a] Do not round to nearest integer.

FIGURE 6-3
PARTICULATE MOBILITY FACTOR VALUES[a]
(CONTINUED)

FIGURE 6–3—PARTICULATE MOBILITY FACTOR VALUES—CONCLUDED

Location	Particulated mobility assigned value
Pacific Islands	
Guam	0.0002
Johnston Island	0.002
Koror Island	0.00008
Kwajalein Island	0.0002
Mujuro, Marshall Islands	0.00008
Pago Pago, American Samoa	0.00008
Ponape Island	0.00002
Truk, Caroline Islands	0.00008
Wake Island	0.002
Yap Island	0.00008
American Virgin Islands	
St. Croix	0.0008
St. John	0.0002
St. Thomas	0.0002

TABLE 6–12—PARTICULATE MOBILITY FACTOR VALUES

M	Assigned value [a]
Greater than 1.4×10^{-2}	0.02
Greater than 4.4×10^{-3} to 1.4×10^{-2}	0.008
Greater than 1.4×10^{-3} to 4.4×10^{-3}	0.002
Greater than 4.4×10^{-4} to 1.4×10^{-3}	0.0008
Greater than 1.4×10^{-4} to 4.4×10^{-4}	0.0002
Greater than 4.4×10^{-5} to 1.4×10^{-4}	0.00008
Less than or equal to 4.4×10^{-5}	0.00002

[a] Do not round to nearest integer.

TABLE 6–13—TOXICITY/MOBILITY FACTOR VALUES [A]

Mobility factor value	Toxicity factor value					
	10,000	1,000	100	10	1	0
1.0	10,000	1,000	100	10	1	0
0.2	2,000	200	20	2	0.2	0
0.02	200	20	2	0.2	0.02	0
0.008	80	8	0.8	0.08	0.008	0
0.002	20	2	0.2	0.02	0.002	0
0.0008	8	0.8	0.08	0.008	0.0008	0
0.0002	2	0.2	0.02	0.002	0.0002	0
0.00008	0.8	0.08	0.008	0.0008	0.00008	0
0.00002	0.2	0.02	0.002	0.0002	0.00002	0

[a] Do not round to nearest integer.

6.2.2 *Hazardous waste quantity.* Assign a hazardous waste quantity factor value for the air migration pathway as specified in section 2.4.2. Enter this value in table 6–1.

6.2.3 *Calculation of waste characteristics factor category value.* Multiply the toxicity/mobility factor value and the hazardous waste quantity factor value, subject to a maximum product of 1×10^{8}. Based on this product, assign a value from table 2–7 (section 2.4.3.1) to the waste characteristics factor category. Enter this value in table 6–1.

6.3 *Targets.*

Evaluate the targets factor category based on four factors: nearest individual, population, resources, and sensitive environments. Include only those targets (for example, individuals, sensitive environments) located within the 4-mile target distance limit, except: if an observed release is established beyond the 4-mile target distance limit, include those additional targets that are specified below in this section and in section 6.3.4.

Evaluate the nearest individual and population factors based on whether the target populations are subject to Level I concentrations, Level II concentrations, or potential contamination. Determine which applies to a target population as follows.

If no samples meet the criteria for an observed release to air and if there is no observed release by direct observation, consider the entire population within the 4-mile target distance limit to be subject to potential contamination.

If one or more samples meet the criteria for an observed release to air or if there is an observed release by direct observation, evaluate the population as follows:

- Determine the most distant sample location that meets the criteria for Level I concentrations as specified in sections 2.5.1 and 2.5.2 and the most distant location (that is, sample location or direct observation location) that meets the criteria for Level II concentrations. Use the health-based benchmarks from table 6–14 in determining the level of contamination for sample locations. If the most distant Level II location is closer to a source than the most distant Level I sample location, do not consider the Level II location.
- Determine the single most distant location (sample location or direct observation location) that meets the criteria for Level I or Level II concentrations.

• If this single most distant location is within the 4-mile target distance limit, identify the distance categories from table 6–15 in which the selected Level I concentrations sample and Level II concentrations sample (or direct observation location) are located:

–Consider the target population anywhere within this furthest Level I distance category, or anywhere within a distance category closer to a source at the site, as subject to Level I concentrations.

–Consider the target population located beyond any Level I distance categories, up to and including the population anywhere within the furthest Level II distance category, as subject to Level II concentrations.

–Consider the remainder of the target population within the 4-mile target distance limit as subject to potential contamination.

• If the single most distant location is beyond the 4-mile target distance limit, identify the distance at which the selected Level I concentrations sample and Level II concentrations sample (or direct observation location) are located:

–If the Level I sample location is within the 4-mile target distance limit, identify the target population subject to Level I concentrations as specified above.

–If the Level I sample location is beyond the 4-mile target distance limit, consider the target population located anywhere within a distance from the sources at the site equal to the distance to this sample location to be subject to Level I concentrations and include them in the evaluation.

–Consider the target population located beyond the Level I target population, but located anywhere within a distance from the sources at the site equal to the distance to the selected Level II location, to be subject to Level II concentrations and include them in the evaluation.

–Do not include any target population as subject to potential contamination.

TABLE 6–14—HEALTH-BASED BENCHMARKS FOR HAZARDOUS SUBSTANCES IN AIR

- Concentration corresponding to National Ambient Air Quality Standard (NAAQS).
- Concentration corresponding to National Emission Standards for Hazardous Air Pollutants (NESHAPs).
- Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for inhalation exposures.
- Screening concentration for noncancer toxicological responses corresponding to the Reference Concentration (RfC) for inhalation exposures.

TABLE 6–15—AIR MIGRATION PATHWAY DISTANCE WEIGHTS

Distance category (miles)	Assigned distance weight [a]
0	1.0
Greater than 0 to ¼	0.25
Greater than ¼ to ½	0.054
Greater than ½ to 1	0.016
Greater than 1 to 2	0.0051
Greater than 2 to 3	0.0023
Greater than 3 to 4	0.0014
Greater than 4	0

[a] Do not round to nearest integer.

6.3.1 *Nearest individual.* Assign the nearest individual factor a value as follows:

• If one or more residences or regularly occupied buildings or areas is subject to Level I concentrations as specified in section 6.3, assign a value of 50.

• If not, but if one or more a residences or regularly occupied buildings or areas is subject to Level II concentrations, assign a value of 45.

• If none of the residences and regularly occupied buildings and areas is subject to Level I or Level II concentrations, assign a value to this factor based on the shortest distance to any residence or regularly occupied building or area, as measured from any source at the site with an air migration containment factor value greater than 0. Based on this shortest distance, assign a value from table 6–16 to the nearest individual factor.

Enter the value assigned in table 6–1.

TABLE 6–16—NEAREST INDIVIDUAL FACTOR VALUES

Distance to nearest individual (miles)	Assigned value
Level I concentrations [a]	50
Level II concentrations [a]	45
0 to ⅛	20
Greater than ⅛ to ¼	7
Greater than ¼ to 1/2	2
Greater than ½ to 1	1
Greater than 1	0

[a] Distance does not apply.

6.3.2 *Population.* In evaluating the population factor, count residents, students, and workers regularly present within the target distance limit. Do not count transient populations such as customers and travelers passing through the area.

In estimating residential population, when the estimate is based on the number of residences, multiply each residence by the average number of persons per residence for the county in which the residence is located.

6.3.2.1 *Level of contamination.* Evaluate the population factor based on three factors: Level I concentrations, Level II concentrations, and potential contamination.

Evaluate the population subject to Level I concentrations (see section 6.3) as specified in section 6.3.2.2, the population subject to Level II concentrations as specified in section 6.3.2.3, and the population subject to potential contamination as specified in section 6.3.2.4.

For the potential contamination factor, use population ranges in evaluating the factor as specified in section 6.3.2.4. For the Level I and Level II concentrations factors, use the population estimate, not population ranges, in evaluating both factors.

6.3.2.2 *Level I concentrations.* Sum the number of people subject to Level I concentrations. Multiply this sum by 10. Assign the product as the value for this factor. Enter this value in table 6–1.

6.3.2.3 *Level II concentrations.* Sum the number of people subject to Level II concentrations. Do not include those people already counted under the Level I concentrations factor. Assign this sum as the value for this factor. Enter this value in table 6–1.

6.3.2.4 *Potential contamination.* Determine the number of people within each distance category of the target distance limit (see table 6–15) who are subject to potential contamination. Do not include those people already counted under the Level I and Level II concentrations factors.

Based on the number of people present within a distance category, assign a distance-weighted population value for that distance category from table 6–17. (Note that the distance-weighted population values in table 6–17 incorporate the distance weights from table 6–15. Do not multiply the values from table 6–17 by these distance weights.)

Calculate the potential contamination factor value (PI) as follows:

$$PI = \frac{1}{10}\sum_{i=1}^{n} W_i$$

where:

W_i = Distance-weighted population from table 6–17 for distance category i.

n = Number of distance categories.

If PI is less than 1, do not round it to the nearest integer; if PI is 1 or more, round to the nearest integer. Enter this value in table 6–1.

6.3.2.5 *Calculation of population factor value.* Sum the factor values for Level I concentrations, Level II concentrations, and potential contamination. Do not round this sum to the nearest integer. Assign this sum as the population factor value. Enter this value in table 6–1.

TABLE 6–17—DISTANCE-WEIGHTED POPULATION VALUES FOR POTENTIAL CONTAMINATION FACTOR FOR AIR PATHWAY[a]

Distance category (miles)	Number of people within the distance category												
	0	1 to 10	11 to 30	31 to 100	101 to 300	301 to 1,000	1,001 to 3,000	3,001 to 10,000	10,001 to 30,000	30,001 to 100,000	100,001 to 300,000	300,001 to 1,000,000	1,000,001 to 3,000,000
On a source	0	4	17	53	164	522	1,633	5,214	16,325	52,137	163,246	521,360	1,632,455
Greater than 0 to ¼	0	1	4	13	41	131	408	1,304	4,081	13,034	40,812	130,340	408,114
Greater than ¼ to ½	0	0.2	0.9	3	9	28	88	282	882	2,815	8,815	28,153	88,153
Greater than ½ to 1	0	0.06	0.3	0.9	3	8	26	83	261	834	2,612	8,342	26,119
Greater than 1 to 2	0	0.02	0.09	0.3	0.8	3	8	27	83	266	833	2,659	8,326
Greater than 2 to 3	0	0.009	0.04	0.1	0.4	1	4	12	38	120	375	1,199	3,755
Greater than 3 to 4	0	0.005	0.02	0.07	0.2	0.7	2	7	23	73	229	730	2,285

[a] Round the number of people present within a distance category to nearest integer. Do not round the assigned distance-weighted population value to nearest integer.

6.3.3 *Resources.* Evaluate the resources factor as follows:

• Assign a value of 5 if one or more of the following resources are present within one-half mile of a source at the site having an air migration containment factor value greater than 0:

–Commercial agriculture.

–Commercial silviculture.

–Major or designated recreation area.

• Assign a value of 0 if none of these resources is present.

Enter the value assigned in table 6–1.

6.3.4 *Sensitive environments.* Evaluate sensitive environments based on two factors: actual contamination and potential contamination. Determine which factor applies as follows.

If no samples meet the criteria for an observed release to air and if there is no observed release by direct observation, consider all sensitive environments located, partially or wholly, within the target distance limit to be subject to potential contamination.

If one or more samples meet the criteria for an observed release to air or if there is an observed release by direct observation, determine the most distant location (that is, sample location or direct observation location) that meets the criteria for an observed release:

• If the most distant location meeting the criteria for an observed release is within the 4-mile target distance limit, identify the distance category from table 6–15 in which it is located:

–Consider sensitive environments located, partially or wholly, anywhere within this distance category or anywhere within a distance category closer to a source at the site as subject to actual contamination.

–Consider all other sensitive environments located, partially or wholly, within the target distance limit as subject to potential contamination.

• If the most distant location meeting the criteria for an observed release is beyond the 4-mile target distance limit, identify the distance at which it is located:

–Consider sensitive environments located, partially or wholly, anywhere within a distance from the sources at the site equal to the distance to this location to be subject to actual contamination and include all such sensitive environments in the evaluation.

–Do not include any sensitive environments as subject to potential contamination.

6.3.4.1 *Actual contamination.* Determine those sensitive environments subject to actual contamination (*i.e.,* those located partially or wholly within a distance category subject to actual contamination). Assign value(s) from table 4–23 (section 4.1.4.3.1.1) to each sensitive environment subject to actual contamination.

For those sensitive environments that are wetlands, assign an additional value from table 6–18. In assigning a value from table 6–18, include only those portions of wetlands located within distance categories subject to actual contamination. If a wetland is located partially in a distance category subject to actual contamination and partially in one subject to potential contamination, then solely for purposes of table 6–18, count the portion in the distance category subject to potential contamination under the potential contamination factor in section 6.3.4.2. Determine the total acreage of wetlands within those distance categories subject to actual contamination and assign a value from table 6–18 based on this total acreage.

Calculate the actual contamination factor value (EA) as follows:

$$EA = WA + \sum_{i=1}^{n} S_i$$

where:

WA = Value assigned from table 6–18 for wetlands in distance categories subject to actual contamination.

S_i = Value(s) assigned from table 4–23 to sensitive environment i.

n = Number of sensitive environments subject to actual contamination.

Enter the value assigned in table 6–1.

TABLE 6–18—WETLANDS RATING VALUES FOR AIR MIGRATION PATHWAY [a]

Wetland area (acres)	Assigned value
Less than 1	0
1 to 50	25
Greater than 50 to 100	75
Greater than 100 to 150	125
Greater than 150 to 200	175
Greater than 200 to 300	250
Greater than 300 to 400	350
Greater than 400 to 500	450
Greater than 500	500

[a] Wetlands as defined in 40 CFR section 230.3.

6.3.4.2 *Potential contamination.* Determine those sensitive environments located, partially or wholly, within the target distance limit that are subject to potential contamination. Assign value(s) from table 4–23 to each sensitive environment subject to potential contamination. Do not include those sensitive environments already counted for table 4–23 under the actual contamination factor.

For each distance category subject to potential contamination, sum the value(s) assigned from table 4–23 to the sensitive environments in that distance category. If a sensitive environment is located in more than one distance category, assign the sensitive environment only to that distance category having the highest distance weighting value from table 6–15.

For those sensitive environments that are wetlands, assign an additional value from table 6–18. In assigning a value from table 6–18, include only those portions of wetlands located within distance categories subject to potential contamination, as specified in section 6.3.4.1. Treat the wetlands in each separate distance category as separate sensitive environments solely for purposes of applying table 6–18. Determine the total acreage of wetlands within each of these distance categories and assign a separate value from table 6–18 for each distance category.

Calculate the potential contamination factor value (EP) as follows:

$$EP = \frac{1}{10}\sum_{j=1}^{m}\left(\left[W_j + S_j\right]D_j\right)$$

$$S_j = \sum_{i=1}^{n} S_{ij}$$

S_{ij} = Value(s) assigned from table 4–23 to sensitive environment in distance category j.

n = Number of sensitive environments subject to potential contamination.

W_j = Value assigned from table 6–18 for wetland area in distance category j.

D_j = Distance weight from table 6–15 for distance category j.

m = Number of distance categories subject to potential contamination.

If EP is less than 1, do not round it to the nearest integer; if EP is 1 or more, round to the nearest integer. Enter the value assigned in table 6–1.

6.3.4.3 *Calculation of sensitive environments factor value.* Sum the factor values for actual contamination and potential contamination. Do not round this sum, designated as EB, to the nearest integer.

Because the pathway score based solely on sensitive environments is limited to a maximum of 60, use the value EB to determine the value for the sensitive environments factor as follows:

• Multiply the values assigned to likelihood of release (LR), waste characteristics (WC), and EB. Divide the product by 82,500.

–If the result is 60 or less, assign the value EB as the sensitive environments factor value.

–If the result exceeds 60, calculate a value EC as follows:

$$EC = \frac{(60)(82{,}500)}{(LR)(WC)}$$

Assign the value EC as the sensitive environments factor value. Do not round this value to the nearest integer.

Enter the value assigned for the sensitive environments factor in table 6–1.

6.3.5 *Calculation of targets factor category value.* Sum the nearest individual, population, resources, and sensitive environments factor values. Do not round this sum to the nearest integer. Assign this sum as the targets factor category value. Enter this value in table 6–1.

6.4 *Calculation of air migration pathway score.* Multiply the values for likelihood of release, waste characteristics, and targets, and round the product to the nearest integer. Then divide by 82,500. Assign the resulting value, subject to a maximum value of 100, as the air migration pathway score (S_a). Enter this score in table 6–1.

7.0 Sites Containing Radioactive Substances.

In general, radioactive substances are hazardous substances under CERCLA and should be considered in HRS scoring. Releases of certain radioactive substances are, however, excluded from the definition of "release" in section 101(22) of CERCLA, as amended, and should not be considered in HRS scoring.

Evaluate sites containing radioactive substances using the instructions specified in sections 2 through 6, supplemented by the instructions in this section. Those factors denoted with a "yes" in table 7–1 are evaluated differently for sites containing radioactive substances than for sites containing only nonradioactive hazardous substances, while those denoted with a "no" are not evaluated differently and are not addressed in this section.

TABLE 7–1—HRS FACTORS EVALUATED DIFFERENTLY FOR RADIONUCLIDES

Ground water pathway	Status [a]	Surface water pathway	Status [a]	Soil exposure component of SESSI pathway	Status [a]	Subsurface intrusion component of SESSI pathway	Status [a]	Air pathway	Status [a]
Likelihood of Release		Likelihood of Release		Likelihood of Exposure		Likelihood of Exposure		Likelihood of Release	
Observed Release	Yes	Observed Release	Yes	Observed Contamination.	Yes	Observed Exposure.	Yes	Observed Release	Yes.
Potential to Release	No	Potential to Release.	No	Attractiveness/Accessibility to Nearby Residents.	No	Potential for Exposure.	Yes	Gas Potential to Release.	No.
Containment	No	Overland Flow Containment.	No	Area of Contamination.	No	Structure Containment.	No	Gas Containment	No.
Net Precipitation	No	Runoff	No			Depth to Contamination.	Yes	Gas Source Type	No.
Depth to Aquifer	No	Distance to Surface water.	No			Vertical migration	No	Gas Migration Potential.	No.
Travel Time	No	Flood Frequency	No			Vapor Migration Potential.	No	Particulate Potential to Release.	No.
		Flood Containment.	No			Area of Observed Exposure.	No	Particulate Containment.	No.
						Area of Subsurface Contamination.	No	Particulate Source Type.	No.
								Particulate Migration Potential.	No.
Waste Characteristics		Waste Characteristics		Waste Characteristics		Waste Characteristics		Waste Characteristics	
Toxicity	Yes	Toxicity/Ecotoxicity	Yes/Yes	Toxicity	Yes	Toxicity/Degradation.	Yes/Yes	Toxicity	Yes.
Mobility	No	Persistence/Mobility.	Yes/No	Hazardous Waste Quantity.	Yes	Hazardous Waste Quantity.	Yes	Mobility	No.
Hazardous Waste Quantity	Yes	Bioaccumulation Potential.	No					Hazardous Waste Quantity.	Yes.
		Hazardous Waste Quantity.	Yes.						
Targets		Targets		Targets		Targets		Targets	
Nearest Well	Yes [b]	Nearest Intake	Yes [b]	Resident Individual.	Yes [b]	Exposed Individual	Yes [b]	Nearest Individual	Yes.[b]
Population	Yes [b]	Drinking Water Population.	Yes [b]	Resident Population.	Yes [b]	Population	Yes [b]	Population	Yes.[b]
Resources	No	Resources	No	Workers	No	Resources	No	Resources	No.

TABLE 7–1—HRS FACTORS EVALUATED DIFFERENTLY FOR RADIONUCLIDES—Continued

Ground water pathway	Status[a]	Surface water pathway	Status[a]	Soil exposure component of SESSI pathway	Status[a]	Subsurface intrusion component of SESSI pathway	Status[a]	Air pathway	Status[a]
Targets		Targets		Targets		Targets		Targets	
Wellhead Protection Area	No	Sensitive Environments.	Yes[b]	Resources	No			Sensitive Environments.	No.
		Human Food Chain Individual.	Yes[b]	Terrestrial Sensitive Environments.	No.				
		Human Food Chain Population.	Yes[b]	Nearby Individual	No				
				Population Within 1 Mile.	No.				

a—Factors evaluated differently are denoted by “yes”; factors not evaluated differently are denoted by “no”.
b—Difference is in the determination of Level I and Level II concentrations.

In general, sites containing mixed radioactive and other hazardous substances involve more evaluation than sites containing only radionuclides. For sites containing mixed radioactive and other hazardous substances, HRS factors are evaluated based on considerations of both the radioactive substances and the other hazardous substances in order to derive a single set of factor values for each factor category in each of the four pathways. Thus, the HRS score for these sites reflects the combined potential hazards posed by both the radioactive and other hazardous substances.

Section 7 is organized by factor category, similar to sections 3 through 6. Pathway-specific differences in evaluation criteria are specified under each factor category, as appropriate. These differences apply largely to the soil exposure and subsurface intrusion pathway and to sites containing mixed radioactive and other hazardous substances. All evaluation criteria specified in sections 2 through 6 must be met, except where modified in section 7.

7.1 *Likelihood of release/likelihood of exposure.* Evaluate likelihood of release for the three migration pathways and likelihood of exposure for the soil exposure and subsurface intrusion pathway as specified in sections 2 through 6, except: establish an observed release, observed contamination, and/or observed exposure as specified in section 7.1.1. When an observed release or exposure cannot be established for a migration pathway or the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, evaluate potential to release as specified in section 7.1.2. When observed contamination cannot be established, do not evaluate the soil exposure component of the soil exposure and subsurface intrusion pathway.

7.1.1 *Observed release/observed contamination/observed exposure.* For radioactive substances, establish an observed release for each migration pathway by demonstrating that the site has released a radioactive substance to the pathway (or watershed or aquifer, as appropriate); establish observed contamination or observed exposure for the soil exposure and subsurface intrusion pathway as indicated below. Base these demonstrations on one or more of the following, as appropriate to the pathway being evaluated:

• Direct observation:

—For each migration pathway, a material that contains one or more radionuclides has been seen entering the atmosphere, surface water, or ground water, as appropriate, or is known to have entered ground water or surface water through direct deposition, or

—For the surface water migration pathway, a source area containing radioactive substances has been flooded at a time that radioactive substances were present and one or more radioactive substances were in contact with the flood waters.

—For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, a material that contains one or more radionuclides has been observed entering a regularly occupied structure via the subsurface or is known to have entered a regularly occupied structure via the subsurface. Also, when evidence supports the inference of subsurface intrusion of a material that contains one or more radionuclides by the site into a regularly occupied structure, demonstrated adverse effects associated with that release may also be used to establish observed exposure by direct observation.

• Analysis of radionuclide concentrations in samples appropriate to the pathway (that is, ground water, soil, air, indoor air, soil gas, surface water, benthic, or sediment samples):

—For radionuclides that occur naturally and for radionuclides that are ubiquitous in the environment:

■ Measured concentration (in units of activity, for example, pCi per kilogram [pCi/kg], pCi per liter [pCi/L], pCi per cubic meter [pCi/m3]) of a given radionuclide in the sample are at a level that:

○ Equals or exceeds a value 2 standard deviations above the mean site-specific background concentration for that radionuclide in that type of sample, or

○ Exceeds the upper-limit value of the range of regional background concentration values for that specific radionuclide in that type of sample.

■ Some portion of the increase must be attributable to the site to establish the observed release (or observed contamination or observed exposure), and

■ For the soil exposure component of the soil exposure and subsurface intrusion pathway only, the radionuclide must also be present at the surface or covered by 2 feet or less of cover material (for example, soil) to establish observed contamination.

—For man-made radionuclides without ubiquitous background concentrations in the environment:

■ Measured concentration (in units of activity) of a given radionuclide in a sample equals or exceeds the sample quantitation limit for that specific radionuclide in that type of media and is attributable to the site.

■ However, if the radionuclide concentration equals or exceeds its sample quantitation limit, but its release can also be attributed to one or more neighboring sites, then the measured concentration of that radionuclide must also equal or exceed a value either 2 standard deviations above the mean concentration of that radionuclide contributed by those neighboring sites or 3 times its background concentration, whichever is lower.

- If the sample quantitation limit cannot be established:
  - If the sample analysis was performed under the EPA Contract Laboratory Program, use the EPA contract-required quantitation limit (CRQL) in place of the sample quantitation limit in establishing an observed release (or observed contamination or observed exposure).
  - If the sample analysis is not performed under the EPA Contract Laboratory Program, use the detection limit in place of the sample quantitation limit.
- For the soil exposure component of the soil exposure and subsurface intrusion pathway only, the radionuclide must also be present at the surface or covered by 2 feet or less of cover material (for example, soil) to establish observed contamination.

• Gamma radiation measurements (applies only to observed contamination or observed exposure in the soil exposure and subsurface intrusion pathway):

—The gamma radiation exposure rate, as measured in microroentgens per hour (μR/hr) using a survey instrument held 1 meter above the ground surface or floor or walls of a structure (or 1 meter away from an aboveground source for the soil exposure component), equals or exceeds 2 times the site-specific background gamma radiation exposure rate.

—Some portion of the increase must be attributable to the site to establish observed contamination or observed exposure. The gamma-emitting radionuclides do not have to be within 2 feet of the surface of the source.

For the three migration pathways and for the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, if an observed release or observed exposure can be established for the pathway (or component, threat, aquifer, or watershed, as appropriate), assign the pathway (or component, threat, aquifer, or watershed) an observed release or observed exposure factor value of 550 and proceed to section 7.2. If an observed release or observed exposure cannot be established, assign an observed release or observed exposure factor value of 0 and proceed to section 7.1.2.

For the soil exposure component of the soil exposure and subsurface intrusion pathway, if observed contamination can be established, assign the likelihood of exposure factor for resident population a value of 550 if there is an area of observed contamination in one or more locations listed in section 5.1.1; evaluate the likelihood of exposure factor for nearby population as specified in section 5.1.2.1; and proceed to section 7.2. If observed contamination cannot be established, do not evaluate the soil exposure component of the soil exposure and subsurface intrusion pathway.

At sites containing mixed radioactive and other hazardous substances, evaluate observed release (or component, observed contamination or observed exposure) separately for radionuclides as described in this section and for other hazardous substances as described in sections 2 through 6.

For the three migration pathways and the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, if an observed release or observed exposure can be established based on either radionuclides or other hazardous substances, or both, assign the pathway (or threat, aquifer, or watershed) an observed release or observed exposure factor value of 550 and proceed to section 7.2. If an observed release or observed exposure cannot be established based on either radionuclides or other hazardous substances, assign an observed release or observed exposure factor value of 0 and proceed to section 7.1.2.

For the soil exposure component of the soil exposure and subsurface intrusion pathway, if observed contamination can be established based on either radionuclides or other hazardous substances, or both, assign the likelihood of exposure factor for resident population a value of 550 if there is an area of observed contamination in one or more locations listed in section 5.1.1; evaluate the likelihood of exposure factor for nearby population as specified in section 5.1.2.1; and proceed to section 7.2. If observed contamination cannot be established based on either radionuclides or other hazardous substances, do not evaluate the soil exposure component of the soil exposure and subsurface intrusion pathway.

7.1.2 Potential to release/potential for exposure. For the three migration pathways and the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, evaluate potential to release or potential for exposure for sites containing radionuclides in the same manner as specified for sites containing other hazardous substances. Base the evaluation on the physical and chemical properties of the radionuclides, not on their level of radioactivity. For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, if the potential for exposure is based on the presence of gamma emitting radioactive substances, assign a potential for exposure factor value of 500 only if the contamination is found within 2 feet beneath a regularly occupied structure, otherwise assign a potential for exposure factor value of 0.

For sites containing mixed radioactive and other hazardous substances, evaluate potential to release or potential for exposure considering radionuclides and other hazardous substances together. Evaluate potential to release for each migration pathway and the potential for exposure for the subsurface intrusion component of the soil exposure and subsurface intrusion pathway as specified in sections 3 through 6, as appropriate.

7.2 *Waste characteristics.* For radioactive substances, evaluate the human toxicity factor, the ecosystem toxicity factor, the surface water persistence factor, and the hazardous waste quantity factor as specified in the following sections. Evaluate all other waste characteristic factors as specified in sections 2 through 6.

7.2.1 Human Toxicity. For radioactive substances, evaluate the human toxicity factor as specified below, not as specified in section 2.4.1.1.

Assign human toxicity factor values to those radionuclides available to the pathway based on quantitative dose-response parameters for cancer risks as follows:

• Evaluate radionuclides only on the basis of carcinogenicity and assign all radionuclides to weight-of-evidence category A, or weight-of-evidence category "Carcinogenic to Humans".

• Assign a human toxicity factor value from Table 7–2 to each radionuclide based on its slope factor (also referred to as a cancer potency factor).

—For each radionuclide, use the higher of the slope factors for inhalation and ingestion to assign the factor value.

—If only one slope factor is available for the radionuclide use it to assign the toxicity factor value.

—If no slope factor is available for the radionuclide, assign that radionuclide a toxicity factor value of 0 and use other radionuclides for which a slope factor is available to evaluate the pathway.

• If all radionuclides available to a particular pathway are assigned a human toxicity factor value of 0 (that is, no slope factor is available for all the radionuclides), use a default human toxicity factor value of 1,000 as the human toxicity factor value for all radionuclides available to the pathway.

At sites containing mixed radioactive and other hazardous substances, evaluate the toxicity factor separately for the radioactive and other hazardous substances and assign each a separate toxicity factor value. This applies regardless of whether the radioactive and other hazardous substances are physically separated, combined chemically, or simply mixed together. Assign toxicity factor values to the radionuclides as specified above and to the other hazardous substances as specified in section 2.4.1.1.

At sites containing mixed radioactive and other hazardous substances, if all radionuclides available to a particular pathway are assigned a human toxicity factor value of 0, use a default human toxicity factor value of 1,000 for all those radionuclides even if nonradioactive hazardous substances available to the pathway are assigned human toxicity factor values greater than 0. Similarly, if all nonradioactive hazardous substances available to the pathway are assigned a human toxicity factor value of 0, use a default human toxicity factor value of 100 for all these nonradioactive hazardous substances even if radionuclides available to the pathway are assigned human toxicity factor values greater than 0.

7.2.2 Ecosystem toxicity. For the surface water environmental threat (see sections 4.1.4 and 4.2.4). assign an ecosystem toxicity factor value to radionuclides (alone or combined chemically or mixed with other hazardous substances) using the same slope factors and procedures specified for the human toxicity factor in section 7.2.1, except: use a default of 100, not 1,000, if all radionuclides eligible to be evaluated for ecosystem toxicity receive an ecosystem toxicity factor value of 0.

TABLE 7–2—TOXICITY FACTOR VALUES FOR RADIONUCLIDES

Cancer slope factor[a] (SF) $(pCi)^{-1}$	Assigned value
$3 \times 10^{-11} \leq SF$	10,000
$3 \times 10^{-12} \leq SF < 3 \times 10^{-11}$	1,000
$SF < 3 \times 10^{-12}$	100
SF not available for the radionuclide	0

[a] Radionuclide slope factors are estimates of age-averaged, individual lifetime total excess cancer risk per picocurie of radionuclide inhaled or ingested.

At sites containing mixed radioactive and other hazardous substances, evaluate the ecosystem toxicity factor separately for the radioactive and other hazardous substances and assign each a separate ecosystem toxicity factor value. This applies regardless of whether the radioactive and other hazardous substances are physically separated, combined chemically, or simply mixed together. Assign ecosystem toxicity factor values to the radionuclides as specified above and to the other hazardous substances as specified in sections 4.1.4.2.1.1 and 4.2.4.2.1.1. If all radionuclides available to a particular pathway are assigned an ecosystem toxicity factor value of 0, use a default ecosystem toxicity factor value of 100 for all these radionuclides even if nonradioactive hazardous substances available to the pathway are assigned ecosystem toxicity factor values greater than 0. Similarly, if all nonradioactive hazardous substances available to the pathway are assigned an ecosystem toxicity factor value of 0, use a default ecosystem toxicity factor value of 100 for all these nonradioactive hazardous substances even if radionuclides available to the pathway are assigned ecosystem toxicity factor values greater than 0.

7.2.3 *Persistence/Degradation.* In determining the surface water persistence factor for radionuclides, evaluate this factor based solely on half-life; do not include sorption to sediments in the evaluation as is done for nonradioactive hazardous substances. Assign a persistence factor value from Table 4–10 (section 4.1.2.2.1.2) to each radionuclide based on half-life ($t_{1/2}$) calculated as follows:

$$t_{1/2} = \frac{1}{\frac{1}{r}+\frac{1}{V}}$$

Where:

r = Radioactive half-life.

V = Volatilization half-life.

If the volatilization half-life cannot be estimated for a radionuclide from available data, delete it from the equation. Select the portion of Table 4–10 to use in assigning the persistence factor value as specified in section 4.1.2.2.1.2.

At sites containing mixed radioactive and other hazardous substances, evaluate the persistence factor separately for each radionuclide and for each nonradioactive hazardous substance, even if the available data indicate that they are combined chemically. Assign a persistence factor value to each radionuclide as specified in this section and to each nonradioactive hazardous substance as specified in section 4.1.2.2.1.2. When combined chemically, assign a single persistence factor value based on the higher of the two values assigned (individually) to the radioactive and nonradioactive components.

In determining the subsurface intrusion degradation factor for radionuclides, when evaluating this factor based solely on half-life, assign a degradation factor value from section 5.2.1.2.1.2 to each radionuclide based on half-life ($t_{1/2}$) calculated as follows:

$$t_{1/2} = \frac{1}{\frac{1}{r}}$$

Where:

r = Radioactive half-life.

If no radioactive half-life information is available for a radionuclide and the substance is not already assigned a value of 1, unless information indicates otherwise, assign a value of 1.

At sites containing mixed radioactive and other hazardous substances, evaluate the degradation factor separately for each radionuclide and for each nonradioactive hazardous substance, even if the available data indicate that they are combined chemically. Assign a degradation factor value to each radionuclide as specified in this section and to each nonradioactive hazardous substance as specified in section 5.2.1.2.1.2. If no radioactive half-life information is available for a radionuclide and the substance is not already assigned a value of 1, unless information indicates otherwise, assign a value of 1. Similarly, if no half-life information is available for a nonradioactive substance, and the substance is not already assigned a value of 1, unless information indicates otherwise, assign a value of 1. When combined chemically, assign a single persistence or degradation factor value based on the higher of the two values assigned (individually) to the radioactive and nonradioactive components.

7.2.4 *Selection of substance potentially posing greatest hazard.* For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway and each migration pathway (or threat, aquifer, or watershed, as appropriate), select the radioactive substance or nonradioactive hazardous substance that potentially poses the greatest hazard based on its toxicity factor value, combined with the applicable mobility, persistence, degradation and/or bioaccumulation (or ecosystem bioaccumulation) potential factor values. Combine these factor values as specified in sections 2 through 6. For the soil exposure component of the soil exposure and subsurface intrusion pathway, base the selection on the toxicity factor alone (see sections 2 and 5).

7.2.5 *Hazardous waste quantity.* To calculate the hazardous waste quantity factor value for sites containing radioactive substances, evaluate source hazardous waste quantity (see section 2.4.2.1) using only the following two measures in the following hierarchy (these measures are consistent with

Tiers A and B for nonradioactive hazardous substances in sections 2.4.2.1.1 and 2.4.2.1.2):

• Radionuclide constituent quantity (Tier A).

• Radionuclide wastestream quantity (Tier B).

7.2.5.1 *Source hazardous waste quantity for radionuclides.* For each migration pathway, assign a source hazardous waste quantity value to each source having a containment factor value greater than 0 for the pathway being evaluated. For the soil exposure component of the soil exposure and subsurface intrusion pathway, assign a source hazardous waste quantity value to each area of observed contamination, as applicable to the threat being evaluated. For the subsurface intrusion component, assign a source hazardous waste quantity value to each regularly occupied structure located within areas of observed exposure or areas of subsurface contamination. Allocate hazardous substances and hazardous wastestreams to specific sources (or areas of observed contamination, areas of observed exposure or areas of subsurface contamination) as specified in sections 2.4.2 and 5.2.0.

7.2.5.1.1 *Radionuclide constituent quantity (Tier A).* Evaluate radionuclide constituent quantity for each source (or area of observed contamination or area of observed exposure) based on the activity content of the radionuclides allocated to the source (or area of observed contamination or area of observed exposure) as follows:

• Estimate the net activity content (in curies) for the source (or area of observed contamination or area of observed exposure) based on:

—Manifests, or

—Either of the following equations, as applicable:

$$N = 9.1x10^{-7}(V)\sum_{i=1}^{n} AC_i$$

Where:

N = Estimated net activity content (in curies) for the source (or area of observed contamination or area of observed exposure).

V = Total volume of material (in cubic yards) in a source (or area of observed contamination or area of observed exposure) containing radionuclides.

AC_i = Activity concentration above the respective background concentration (in pCi/g) for each radionuclide i allocated to the source (or area of observed contamination or area of observed exposure).

n = Number of radionuclides allocated to the source (or area of observed contamination or area of observed exposure) above the respective background concentrations.

or,

$$N = 3.8x10^{-12}(V)\sum_{i=1}^{n} AC_i$$

Where:

N = Estimated net activity content (in curies) for the source (or area of observed contamination or area of observed exposure).

V = Total volume of material (in gallons) in a source (or area of observed contamination or area of observed exposure) containing radionuclides.

AC_i = Activity concentration above the respective background concentration (in pCi/l) for each radionuclide i allocated to the source (or area of observed contamination or area of observed exposure).

n = Number of radionuclides allocated to the source (or area of observed contamination or area of observed exposure) above the respective background concentrations.

—Estimate volume for the source (or volume for the area of observed contamination or area of observed exposure) based on records or measurements.

—For the soil exposure component of the soil exposure and subsurface intrusion pathway, in estimating the volume for areas of observed contamination, do not include more than the first 2 feet of depth, except:

for those types of areas of observed contamination listed in Tier C of Table 5–2 (section 5.1.1.2.2), include the entire depth, not just that within 2 feet of the surface.

—For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, in estimating the volume for areas of observed exposure, only use the volume of air in the regularly occupied structures where observed exposure has been documented.

• Convert from curies of radionuclides to equivalent pounds of nonradioactive hazardous substances by multiplying the activity estimate for the source (or area of observed contamination or area of observed exposure) by 1,000.

• Assign this resulting product as the radionuclide constituent quantity value for the source (or area of observed contamination or area of observed exposure).

If the radionuclide constituent quantity for the source (or area of observed contamination or area of observed exposure) is adequately determined (that is, the total activity of all radionuclides in the source and releases from the source [or in the area of observed contamination or area of observed exposure] is known or is estimated with reasonable confidence), do not evaluate the radionuclide wastestream quantity measure in section 7.2.5.1.2. Instead, assign radionuclide wastestream quantity a value of 0 and proceed to section 7.2.5.1.3. If the radionuclide constituent quantity is not adequately determined, assign the source (or area of observed contamination or area of observed exposure) a value for radionuclide constituent quantity based on the available data and proceed to section 7.2.5.1.2.

7.2.5.1.2 Radionuclide wastestream quantity (Tier B). Evaluate radionuclide wastestream quantity for the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination) based on the activity content of radionuclide wastestreams allocated to the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination) as follows:

• Estimate the total volume (in cubic yards or in gallons) of wastestreams containing radionuclides allocated to the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination).

• Divide the volume in cubic yards by 0.55 (or the volume in gallons by 110) to convert to the activity content expressed in terms of equivalent pounds of nonradioactive hazardous substances.

• Assign the resulting value as the radionuclide wastestream quantity value for the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination).

• For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, estimate the total wastestream volume for all regularly occupied structures that have a containment value >0 and that are located within areas of observed exposure with observed or inferred intrusion, and within areas of subsurface contamination. Calculate the volume of each regularly occupied structure based on actual data. If unknown, use a ceiling height of 8 feet.

7.2.5.1.3 Calculation of source hazardous waste quantity value for radionuclides. Select the higher of the values assigned to the source (or area of observed contamination, area of observed exposure, and/or area of subsurface contamination) for radionuclide constituent quantity and radionuclide wastestream quantity. Assign this value as the source hazardous waste quantity value for the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination). Do not round to the nearest integer.

7.2.5.2 Calculation of hazardous waste quantity factor value for radionuclides. Sum the source hazardous waste quantity values assigned to all sources (or areas of observed contamination, areas of observed exposure, or areas of subsurface contamination) for the pathway being evaluated and round this sum to the nearest integer, except: if the sum is greater than 0, but less than 1, round it to 1. Based on this value, select a hazardous waste quantity factor value for this pathway from Table 2–6 (section 2.4.2.2).

For a migration pathway, if the radionuclide constituent quantity is adequately determined (see section 7.2.5.1.1) for all sources (or all portions of sources and releases remaining after a removal action), assign the value from Table 2–6 as the hazardous waste quantity factor value for the pathway. If the radionuclide constituent quantity is not adequately determined for one or more sources (or one or more portions of sources or releases remaining after a removal action), assign a factor value as follows:

• If any target for that migration pathway is subject to Level I or Level II concentrations (see section 7.3), assign either the value from Table 2–6 or a value of 100, whichever is greater, as the hazardous waste quantity factor value for that pathway.

• If none of the targets for that pathway is subject to Level I or Level II concentrations, assign a factor value as follows:

—If there has been no removal action, assign either the value from Table 2–6 or a value of 10, whichever is greater, as the hazardous waste quantity factor value for that pathway.

—If there has been a removal action:

■ Determine values from Table 2–6 with and without consideration of the removal action.

- If the value that would be assigned from Table 2–6 without consideration of the removal action would be 100 or greater, assign either the value from Table 2–6 with consideration of the removal action or a value of 100, whichever is greater, as the hazardous waste quantity factor value for the pathway.
- If the value that would be assigned from Table 2–6 without consideration of the removal action would be less than 100, assign a value of 10 as the hazardous waste quantity factor value for the pathway.

For the soil exposure component of the soil exposure and subsurface intrusion pathway, if the radionuclide constituent quantity is adequately determined for all areas of observed contamination, assign the value from Table 2–6 as the hazardous waste quantity factor value. If the radionuclide constituent quantity is not adequately determined for one or more areas of observed contamination, assign either the value from Table 2–6 or a value of 10, whichever is greater, as the hazardous waste quantity factor value.

For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, if the radionuclide constituent quantity is adequately determined for all areas of observed exposure, assign the value from Table 2–6 as the hazardous waste quantity factor value. If the radionuclide constituent quantity is not adequately determined for one or more areas of observed exposure, assign either the value from Table 2–6 or a value of 10, whichever is greater, as the hazardous waste quantity factor value.

7.2.5.3 Calculation of hazardous waste quantity factor value for sites containing mixed radioactive and other hazardous substances. For each source (or area of observed contamination, area of observed exposure, or area of subsurface contamination) containing mixed radioactive and other hazardous substances, calculate two source hazardous waste quantity values—one based on radionuclides as specified in sections 7.2.5.1 through 7.2.5.1.3 and the other based on the nonradioactive hazardous substances as specified in sections 2.4.2.1 through 2.4.2.1.5, and sections 5.1.1.2.2, 5.1.2.2.2 and 5.2.1.2.2 (that is, determine each value as if the other type of substance was not present). Sum the two values to determine a combined source hazardous waste quantity value for the source (or area of observed contamination, area of observed exposure, or area of subsurface contamination). Do not round this value to the nearest integer.

Use this combined source hazardous waste quantity value to calculate the hazardous waste quantity factor value for the pathway as specified in section 2.4.2.2, except: if either the hazardous constituent quantity or the radionuclide constituent quantity, or both, are not adequately determined for one or more sources (or one or more portions of sources or releases remaining after a removal action) or for one or more areas of observed contamination or areas of observed exposure, as applicable, assign the value from Table 2–6 or the default value applicable for the pathway, whichever is greater, as the hazardous waste quantity factor value for the pathway.

7.3 Targets. For radioactive substances, evaluate the targets factor category as specified in section 2.5 and sections 3 through 6, except: Establish Level I and Level II concentrations at sampling locations as specified in sections 7.3.1 and 7.3.2 and establish weighting factors for populations associated with an area of subsurface contamination in the subsurface intrusion component of the soil exposure and subsurface intrusion pathway as specified in section 7.3.3.

For all pathways (components and threats), use the same target distance limits for sites containing radioactive substances as is specified in sections 3 through 6 for sites containing nonradioactive hazardous substances. At sites containing mixed radioactive and other hazardous substances, include all sources (or areas of observed contamination, areas of observed exposure, or areas of subsurface contamination) at the site in identifying the applicable targets for the pathway.

7.3.1 *Level of contamination at a sampling location.* Determine whether Level I or Level II concentrations apply at a sampling location (and thus to the associated targets) as follows:

- Select the benchmarks from section 7.3.2 applicable to the pathway (or component or threat) being evaluated.
- Compare the concentrations of radionuclides in the sample (or comparable samples) to their benchmark concentrations for the pathway (or component or threat) as specified in section 7.3.2. Treat comparable samples as specified in section 2.5.1.
- Determine which level applies based on this comparison.
- If none of the radionuclides eligible to be evaluated for the sampling location have an applicable benchmark, assign Level II to the actual contamination at that sampling location for the pathway (or component or threat).
- In making the comparison, consider only those samples, and only those radionuclides in the sample, that meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway, except: Tissue samples from aquatic human food chain organisms may also be used for the human food chain threat of the surface water pathway as specified in sections 4.1.3.3 and 4.2.3.3.

7.3.2 *Comparison to benchmarks.* Use the following media specific benchmarks (expressed in activity units, for example,pCi/l for water, pCi/kg for soil and for aquatic human food chain organisms, and pCi/m3 for air) for making the comparisons for the indicated pathway (or threat):

- Maximum Contaminant Levels (MCLs)—ground water migration pathway and drinking water threat in surface water migration pathway.
- Uranium Mill Tailings Radiation Control Act (UMTRCA) standards—soil exposure component of the soil exposure and subsurface intrusion pathway only.
- Screening concentration for cancer corresponding to that concentration that corresponds to the 10^{-6} individual cancer risk for inhalation exposures (air migration pathway and subsurface intrusion component of the soil exposure and subsurface intrusion pathway) or for oral exposures (ground water migration pathway; drinking water or human food chain threats in surface water migration pathway; and soil exposure and subsurface intrusion pathway).

—For the soil exposure component of the soil exposure and subsurface intrusion pathway, include two screening concentrations for cancer—one for ingestion of surface materials and one for external radiation exposures from gamma-emitting radionuclides in surface materials.

Select the benchmark(s) applicable to the pathway (component or threat) being evaluated. Compare the concentration of each radionuclide from the sampling location to its benchmark concentration(s) for that pathway (component or threat). Use only those samples and only those radionuclides in the sample that meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway, except: Tissue samples from aquatic human food chain organisms may be used as specified in sections 4.1.3.3 and 4.2.3.3. If the concentration of any applicable radionuclide from any sample equals or exceeds its benchmark concentration, consider the sampling location to be subject to Level I concentrations for that pathway (component or threat). If more than one benchmark applies to the radionuclide, assign Level I if the radionuclide concentration equals or exceeds the lowest applicable benchmark concentration. In addition, for the soil exposure and subsurface intrusion pathway, assign Level I concentrations at the sampling location if measured gamma radiation exposure rates equal or exceed 2 times the background level (see section 7.1.1).

If no radionuclide individually equals or exceeds its benchmark concentration, but more than one radionuclide either meets the criteria for an observed release (or observed contamination or observed exposure) for the sample or is eligible to be evaluated for a tissue sample (see sections 4.1.3.3 and 4.2.3.3), calculate a value for index I for these radionuclides as specified in section 2.5.2. If I equals or exceeds 1, assign Level I to the sampling location. If I is less than 1, assign Level II.

At sites containing mixed radioactive and other hazardous substances, establish the level of contamination for each sampling location considering radioactive substances and nonradioactive hazardous substances separately. Compare the concentration of each radionuclide and each nonradioactive hazardous substance from the sampling location to its respective benchmark concentration(s). Use only those samples and only those substances in the sample that meet the criteria for an observed release (or observed contamination or observed exposure) for the pathway except: Tissue samples from aquatic human food chain organisms may be used as specified in sections 4.1.3.3 and 4.2.3.3. If the concentration of one or more applicable radionuclides or other hazardous substances from any sample equals or exceeds its benchmark concentration, consider the sampling location to be subject to Level I concentrations. If more than one benchmark applies to a radionuclide or other hazardous substance, assign Level I if the concentration of the radionuclide or other hazardous substance equals or exceeds its lowest applicable benchmark concentration.

If no radionuclide or other hazardous substance individually exceed a benchmark concentration, but more than one radionuclide or other hazardous substance either meets the criteria for an observed release (or observed contamination or observed exposure) for the sample or is eligible to be evaluated for a tissue sample, calculate an index I for both types of substances as specified in section 2.5.2. Sum the index I values for the two types of substances. If the value, individually or combined, equals or exceeds 1, assign Level I to the sample location. If it is less than 1, calculate an index J for the nonradioactive hazardous substances as specified in section 2.5.2. If J equals or exceeds 1, assign Level I to the sampling location. If J is less than 1, assign Level II.

7.3.3 Weighting of targets within an area of subsurface contamination. For the subsurface intrusion component of the soil exposure and subsurface intrusion pathway, assign a weighting factor as specified in section 5.2.1.3.2.3 except when a structure in an area of subsurface contamination is delineated or inferred to be delineated by gamma radiation exposure rates meeting observed release criteria with a depth to contamination of 2 feet or less. For those populations residing, working, or attending school or day care in a structure delineated or inferred to be delineated by gamma radiation exposure rates meeting observed release criteria with a depth to contamination of 2 feet or less, assign a weighting factor of 0.9.

[55 FR 51583, Dec. 14, 1990, as amended at 82 FR 2779, Jan. 9, 2017; 83 FR 38037, Aug. 3, 2018]

APPENDIX B TO PART 300—NATIONAL PRIORITIES LIST

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
AK	Salt Chuck Mine	Outer Ketchikan County.	
AL	Alabama Plating Company, Inc.	Vincent.	
AL	American Brass	Headland.	
AL	Ciba-Geigy Corp. (McIntosh Plant)	McIntosh.	
AL	Interstate Lead Co. (ILCO)	Leeds.	
AL	Olin Corp. (McIntosh Plant)	McIntosh.	
AL	Stauffer Chemical Co. (Cold Creek Plant)	Bucks.	
AL	Stauffer Chemical Co. (LeMoyne Plant)	Axis.	
AL	T.H. Agriculture & Nutrition (Montgomery)	Montgomery.	
AL	Triana/Tennessee River	Limestone/Morgan.	
AR	Arkwood, Inc	Omaha.	
AR	Cedar Chemical Corporation	West Helena	S
AR	MacMillan Ring Free Oil	Norphlet.	
AR	Mid-South Wood Products	Mena.	
AR	Midland Products	Ola/Birta.	
AR	Mountain Pine Pressure Treating, Inc	Plainview.	
AR	Ouachita Nevada Wood Treater	Reader..	
AR	Popile, Inc	El Dorado.	
AR	Vertac, Inc.	Jacksonville.	
AZ	Apache Powder Co.	St. David.	
AZ	Hassayampa Landfill	Hassayampa.	
AZ	Indian Bend Wash Area	Scottsdale/Tempe/Phoenix	P
AZ	Iron King Mine—Humboldt Smelter	Dewey-Humboldt.	
AZ	Litchfield Airport Area	Goodyear/Avondale.	
AZ	Motorola, Inc. (52nd Street Plant)	Phoenix.	
AZ	Tucson International Airport Area	Tucson.	
CA	Advanced Micro Devices, Inc	Sunnyvale.	
CA	Advanced Micro Devices, Inc. (Bldg. 915)	Sunnyvale.	
CA	Aerojet General Corp	Rancho Cordova.	
CA	Alark Hard Chrome	Riverside.	
CA	AMCO Chemical	Oakland.	
CA	Applied Materials	Santa Clara.	
CA	Argonaut Mine	Jackson.	
CA	Atlas Asbestos Mine	Fresno County.	
CA	Beckman Instruments	Porterville	P
CA	Blue Ledge Mine	Rogue River—Siskiyou National Forest.	
CA	Brown & Bryant, Inc (Arvin Plant)	Arvin.	
CA	CTS Printex, Inc.	Mountain View.	
CA	Casmalia Resources	Casmalia.	
CA	Coast Wood Preserving	Ukiah.	
CA	Copper Bluff Mine	Hoopa.	
CA	Cooper Drum Company	South Gate..	
CA	Crazy Horse Sanitary Landfill	Salinas.	
CA	Del Amo	Los Angeles.	
CA	Fairchild Semiconductor Corp. (Mt View)	Mountain View.	
CA	Fairchild Semiconductor Corp. (S San Jose)	South San Jose.	
CA	Fresno Municipal Sanitary Landfill	Fresno.	
CA	Frontier Fertilizer	Davis.	
CA	Halaco Engineering Company	Oxnard.	
CA	Hewlett-Packard (620–640 Page Mill Road)	Palo Alto.	
CA	Industrial Waste Processing	Fresno.	
CA	Intel Corp. (Mountain View Plant)	Mountain View.	
CA	Intel Corp. (Santa Clara III)	Santa Clara.	
CA	Intel Magnetics	Santa Clara.	
CA	Intersil Inc./Siemens Components	Cupertino.	
CA	Iron Mountain Mine	Redding.	
CA	J.H. Baxter & Co	Weed.	
CA	Jasco Chemical Corp	Mountain View.	
CA	Jervis B. Webb	South Gate.	
CA	Klau/Buena Vista Mine	San Luis Obispo County.	
CA	Koppers Co., Inc. (Oroville Plant)	Oroville.	

ATTACHMENT A:

Federal Register Vol. 55, No. 241. December 14, 1990.

Hazard Ranking System. 40 CFR Part 300 Preamble

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3730-8]

RIN 2050 AB73

Hazard Ranking System

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is adopting revisions to the Hazard Ranking System (HRS), the principal mechanism for placing sites on the National Priorities List (NPL). The revisions change the way EPA evaluates potential threats to human health and the environment from hazardous waste sites and make the HRS more accurate in assessing relative potential risk. These revisions comply with other statutory requirements in the Superfund Amendments and Reauthorization Act of 1986 (SARA).

DATES: Effective date March 14, 1991. As discussed in Section III H of this preamble, comments are invited on the addition of specific benchmarks in the air and soil exposure pathways until January 14, 1991.

ADDRESSES: Documents related to this rulemaking are available at and comments on the specific benchmarks in the air and soil exposure pathways may be mailed to the CERCLA Docket Office, OS-245, U.S. Environmental Protection Agency, Waterside Mall, 401 M Street, SW, Washington, DC 20460, phone 202-382-3046. Please send four copies of comments. The docket is available for viewing by appointment only from 9:00 am to 4:00 pm, Monday through Friday, excluding Federal holidays. The docket number is 105NCP-HRS.

FOR FURTHER INFORMATION CONTACT: Steve Caldwell or Agnes Ortiz, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response, OS-230, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or the Superfund Hotline at 800-424-9346 (in the Washington, DC area, 202-382-3000).

SUPPLEMENTARY INFORMATION:

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I. Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq.*), commonly called the Superfund, in response to the dangers posed by uncontrolled releases of hazardous substances, contaminants, and pollutants. To implement section 105(8)(A) of CERCLA and Executive Order 12316 (46 FR 42237, August 20, 1981), the U.S. Environmental Protection Agency (EPA) revised the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, on July 16, 1982 (47 FR 31180), with later revisions on September 16, 1985 (50 FR 37624), November 20, 1985 (50 FR 47912), and March 8, 1990 (55 FR 8666). The NCP sets forth guidelines and procedures for responding to releases or potential release of hazardous substances, pollutants, or contaminants.

Section 105(8)(A) of CERCLA (now section 105(a)(8)(A)) requires EPA to establish:

> Criteria for determining priorities among releases or threatened releases [of hazardous substances] throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities * * * shall be based upon the relative risk or danger to public health or welfare or the environment * * * taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, [and] the potential for destruction of sensitive ecosystems * * *.

To meet this requirement and help set priorities, EPA adopted the Hazard Ranking System (HRS) as appendix A to the NCP (47 FR 31180, July 16, 1982). The HRS is a scoring system used to assess the relative threat associated with actual or potential releases of hazardous substances at sites. The HRS is the primary way of determining whether a site is to be included on the National Priorities List (NPL), the Agency's list of sites that are priorities for long-term evaluation and remedial response, and is a crucial part of the Agency's program to address the identification of actual and potential releases. (Each State can nominate one site to the NPL as a State top priority regardless of its HRS score; sites may also be added in response to a health advisory from the Agency for Toxic Substances and Disease Registry (see NCP, 40 CFR 300.425(c)(3)).) Under the original HRS, a score was determined for a site by evaluating three migration pathways—ground water, surface water, and air. Direct contact and fire and explosion threats were also evaluated to determine the need for emergency actions, but did not enter into the decision on whether to place a site on the NPL.

In 1986, Congress enacted the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499), which added section 105(c)(1) to CERCLA, requiring EPA to amend the HRS to assure "to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review." Congress, in its Conference Report on SARA, stated the substantive standard against which HRS revisions could be assessed:

> This standard is to be applied within the context of the purpose for the National Priorities List; i.e., identifying for the States and the public those facilities and sites which appear to warrant remedial actions. * * * This standard does not, however, require the Hazard Ranking System to be equivalent to detailed risk assessments, quantitative or qualitative, such as might be performed as part of remedial actions. The standard requires the Hazard Ranking System to rank sites as accurately as the Agency believes is feasible using information from preliminary assessments and site inspections * * * Meeting this standard does not require long-term monitoring or an accurate determination of the full nature and extent of contamination at sites or the projected levels of exposure such as might be done during remedial investigations and feasibility studies. This provision is intended to ensure that the Hazard Ranking System performs with a degree of accuracy appropriate to its role in expeditiously identifying candidates for response actions. (H.R. Rep. No. 962, 99th Cong., 2nd Sess. at 199-200 (1986))

Section 105(c)(2) further specifies that the HRS appropriately assess the human health risks associated with actual or potential contamination of surface waters used for recreation or drinking water and that this assessment should take into account the potential migration of any hazardous substance through surface water to downstream sources of drinking water.

SARA added two criteria for evaluating sites under section 105(a)(8)(A): Actual or potential contamination of the ambient air and threats through the human food chain. In addition, CERCLA section 118, added by SARA, requires EPA to give a high priority to facilities where the release of hazardous substances has resulted in the closing of drinking water wells or has contaminated a principal drinking water supply. Finally, CERCLA section 125, added by SARA, requires revisions to the HRS to address facilities that contain substantial volumes of wastes specified in section 3001(b)(3)(A)(i) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA). These wastes include fly ash wastes, bottom ash wastes, slag wastes, and flue gas emission control wastes generated primarily from the combustion of coal or other fossil fuels. Specifically, section 125 requires EPA to revise the HRS to assure the appropriate consideration of each of the following site-specific characteristics of such facilities:

- The quantity, toxicity, and concentrations of hazardous constituents that are present in such waste and a comparison with other wastes;
- The extent of, and potential for, release of such hazardous constituents into the environment; and
- The degree of risk to human health and the environment posed by such constituents.

EPA published an advance notice of proposed rulemaking (ANPRM) on April 9, 1987 (52 FR 11513), announcing its intention to revise the HRS and requesting comments on a number of issues. After a comprehensive review of the original HRS, including consideration of alternative models and Science Advisory Board review, EPA published a notice of proposed rulemaking (NPRM) for HRS revisions on December 23, 1988 (53 FR 51962). The NPRM contains a detailed preamble, which should be consulted for a more extensive discussion of CERCLA, SARA, the HRS, and the proposed changes to the HRS.

Today, EPA is publishing the revised HRS, which will supersede the HRS previously in effect as appendix A to the NCP. CERCLA section 105(c)(1) states that the revised HRS shall be applied to any site newly listed on the NPL after its effective date; as specified in section 105(c)(3), sites scored with the original HRS prior to that effective date need not be reevaluated.

The HRS is a scoring system based on factors grouped into three factor categories. The factor categories are multiplied and then normalized to 100 points to obtain a pathway score (e.g., the ground water migration pathway score). The final HRS score is obtained by combining the pathway scores using a root-mean-square method. The proposed HRS revised every factor to some extent. A few factors were replaced, and several new factors were added. The major proposed changes included:

(1) Consideration of potential as well as actual releases to air;

(2) Addition of mobility factors;

(3) Addition of dilution and distance weightings for the water migration pathways and modification of distance weighting in the air migration pathway;

(4) Revisions to the toxicity factor;

(5) Additions to the list of covered sensitive environments;

(6) Addition of human food chain and recreation threats to the surface water migration pathway;

(7) Revision of the hazardous waste quantity factor to allow a tiered approach;

(8) Addition of health-based benchmarks for evaluating population factors and ecological-based benchmarks for evaluating sensitive environments;

(9) Addition of factors for evaluating the maximally exposed individual; and

(10) Inclusion of a new onsite exposure pathway.

EPA conducted a field test of the proposed HRS to assess the feasibility of implementing the proposed HRS factors, to determine resources required for specific tasks, to assess the availability of information needed for evaluation of sites, and to identify difficulties with the use of the proposed revisions. To meet the objectives, site inspections were performed at 29 sites nationwide. The sites were selected either because work was already planned at the site or because the sites had specific features EPA wanted to test using the proposed revisions to the HRS. The major results of the field test were summarized on September 14, 1989 (54 FR 37949), when the field test report was made available for public review and comment.

II. Overview of the Final Rule

The rule being promulgated today incorporates substantial changes to revisions proposed in December 1988. EPA has changed the rule for three reasons: (1) To respond to the general comment submitted by many commenters that the factor categories and pathways need to be consistent with each other; (2) to respond to specific recommendations made by commenters; and (3) to respond to problems identified during the field test and discussed in the field test report. Major changes affecting multiple pathways include:

- Multiplication of hazardous waste quantity factor, toxicity, and other waste characteristics factors;
- Uncapping of population factors (i.e., no limit is placed on maximum value);
- Revised criteria for establishing an observed release;
- Capping of potential to release at a value less than observed release;
- Revision of the toxicity evaluation to select carcinogenic and non-cancer chronic values in preference to acute toxicity values;
- Elimination of Level III concentrations and extension of weighting based on levels of exposure to nearest individual (well/intake; formerly maximally exposed individual) factors;
- Modification of the weights assigned to Level I and Level II concentrations;
- Revisions to the benchmarks used and methods for determining exceedance of benchmarks;
- Use of ranges to assign values for potentially exposed populations;
- Inclusion of factors assessing exposures of the nearest individual in all pathways;
- Revisions to distance and dilution weights in all pathways except ground water migration;
- Replacement of the use factors with less heavily weighted resources factors;
- Evaluation of wetlands based on size or surface water frontage; and
- Specific instructions for the evaluation of radionuclides at radioactive waste sites and sites with radioactive and other hazardous substances wastes.

The major changes in the ground water migration pathway include:

- Replacement of depth to aquifer/hydraulic conductivity and sorptive capacity factors with travel time and depth to aquifer factors; and
- Revision of the mobility factor, including consideration of distribution coefficients.

In the surface water migration pathways, the major changes include:

- Elimination of the separate recreational use threat;
- Addition of a ground water to surface water component;

- Incorporation of bioaccumulation into the waste characteristics factor category rather than the targets factor category for the human food chain threat;
- Revision to allow use of additional tissue samples in establishing Level I concentrations for the human food chain threat; and
- Addition of ecosystem bioaccumulation potential factor for sensitive environments.

The major changes in the soil exposure pathway (formerly the onsite exposure pathway) include:

- Elimination of separate consideration of the high risk population;
- Inclusion of hazardous waste quantity in the waste characteristics factor category;
- Consideration of workers in the resident threat's targets factor category; and
- Revisions to scoring of terrestrial sensitive environments.

The major changes in the air migration pathway include:

- Separate evaluation of gas and particulate potential to release; and
- Consideration of actual contamination in evaluating sensitive environments.

Figures 1 to 4 show the differences between the pathways in the original HRS and in the final rule.

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Figure 1

Ground Water Migration Pathway

ORIGINAL HRS

Likelihood of Release	X	**Waste Characteristics**	X	**Targets**
Observed Release or Route Characteristics Depth to Aquifer of Concern Net Precipitation Permeability of Unsaturated Zone Physical State Containment		Toxicity/Persistence Hazardous Waste Quantity		Ground Water Use Distance to Nearest Well/ Population Served

FINAL HRS

Likelihood of Release	X	**Waste Characteristics**	X	**Targets**
Observed Release or Potential to Release Containment Net Precipitation Depth to Aquifer Travel Time		Toxicity/Mobility Hazardous Waste Quantity		Nearest Well Population Resources Wellhead Protection Area

Figure 2

Surface Water Migration Pathway

ORIGINAL HRS

Likelihood of Release	X	**Waste Characteristics**	X	**Targets**
Observed Release		Toxicity/Persistence		Surface Water Use
or		Hazardous Waste Quantity		Distance to Sensitive Environment
Route Characteristics				Population Served/Distance to Nearest Intake Downstream
Facility Slope/Intervening Terrain				
1-Year, 24-Hour Rainfall				
Distance to Nearest Surface Water				
Physical State				
Containment				

Figure 2

Surface Water Migration Pathway (continued)

FINAL HRS

Likelihood of Release:
Overland Flow/Flood Component

Observed Release
or
Potential to Release

By Overland Flow
- Containment
- Runoff
- Distance to Surface Water

By Flood
- Containment
- Flood Frequency

or

Likelihood of Release:
Ground Water to Surface Water Component

Observed Release
or
Potential to Release
- Containment
- Net Precipitation
- Depth to Aquifer
- Travel Time

X

Drinking Water Threat

Waste Characteristics	**x**	**Targets**
Toxicity/Mobility[1]/Persistence		Nearest Intake
Hazardous Waste Quantity		Population
		Resources

+

Human Food Chain Threat

Waste Characteristics	**x**	**Targets**
Toxicity/Mobility[1]/ Persistence/Bioaccumulation		Food Chain Individual
		Population
Hazardous Waste Quantity		

+

Environmental Threat

Waste Characteristics	**x**	**Targets**
Ecosystem Toxicity/Mobility[1]/ Persistence/Bioaccumulation		Sensitive Environments
Hazardous Waste Quantity		

[1] Mobility is only applicable to the Ground Water to Surface Water Component.

Figure 3

Soil Exposure Pathway[1]

FINAL HRS

Resident Population Threat

Likelihood of Exposure	X	**Waste Characteristics**	X	**Targets**
Observed Contamination		Toxicity Hazardous Waste Quantity		Resident Individual Resident Population Workers Resources Terrestrial Sensitive Environments

+

Nearby Population Threat

Likelihood of Exposure	X	**Waste Characteristics**	X	**Targets**
Attractiveness/Accessibility Area of Contamination		Toxicity Hazardous Waste Quantity		Population Within 1 Mile Nearby Individual

[1] New pathway.

Figure 4

Air Migration Pathway

ORIGINAL HRS

Likelihood of Release	X	Waste Characteristics	X	Targets
Observed Release		Reactivity and Incompatibility Toxicity Hazardous Waste Quantity		Population Within 4-Mile Radius Distance to Sensitive Environment Land Use

FINAL HRS

Likelihood of Release	X	Waste Characteristics	X	Targets
Observed Release or Potential to Release Gas Gas Containment Gas Source Type Gas Migration Potential Particulate Particulate Containment Particulate Source Type Particulate Migration Potential		Toxicity/Mobility Hazardous Waste Quantity		Nearest Individual Population Resources Sensitive Environments

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Section III of this preamble summarizes and responds to major issues raised by commenters. These issues are organized so that issues that affect multiple pathways are covered first, followed by discussions of individual pathway issues. Section IV provides a section-by-section discussion of the final rule. All substantive changes not discussed in section III are identified in section IV. Because the rule has been substantially rewritten to clarify the requirements, editorial changes are not generally noted.

III. Discussion of Comments

About 100 groups and individuals submitted comments on the ANPRM and NPRM. Nineteen of these also submitted comments on the field test report; two other groups submitted comments only on the field test report. The commenters included more than 20 State agencies, several Federal agencies, companies, trade associations, Indian tribes, environmental groups, technical consultants, and individuals. This section summarizes and responds to the major issues raised by commenters. A description of the comments and EPA's response to each issue raised in the comments are available in *Responses to Comments on Revisions to the Hazard Ranking System (HRS)* in the EPA CERCLA docket (see ADDRESSES section above).

A. Simplification

In response to SARA, EPA proposed revisions to the HRS so that, to the maximum extent feasible, it accurately assesses the relative risks posed by hazardous waste sites to human health and the environment. Consequently, the proposed rule required more data than did the original HRS.

A number of commenters stated that the data collection requirements of the proposed rule were excessive given its purpose as a screening tool. These commenters expressed concern that the data requirements were too extensive for a screening process; specifically, that the data requirements would lengthen the time needed to score sites with the HRS, increase the cost of listing sites, and, therefore, limit the money available for remedial actions. Most commenters—even those who considered that the revisions increased the accuracy of the model—stated that the resources required to evaluate sites under the proposed HRS were excessive.

One commenter suggested the proposed HRS would be so expensive to implement that EPA would need to develop a new screening tool to determine whether a site should undergo an HRS evaluation. Another commenter suggested that because of the complexity of the proposed revisions, preliminary scoring of a site during the site assessment process would be impractical because sites would advance too far in the site assessment process before they were determined not to be NPL candidates. Several commenters stated that, with the additional requirements, the proposed HRS is more of a quantitative risk-assessment tool than the screening tool it is supposed to be. Another suggested that the increased accuracy of the proposed rule over the original HRS is of marginal value relative to the amount of time and money involved, and that the HRS is no longer a quick and inexpensive method of assessing relative risks associated with sites.

Several commenters expressed concern that the increased data requirements of the proposed HRS would affect the schedule of the entire site assessment process. They suggested that these requirements would create a backlog of sites to be evaluated, slow the process of listing sites, and delay cleanup. Some noted that this would be contrary to the goal of identifying and evaluating sites expeditiously.

In response, the Agency believes the requirements of the final rule are within the scope of the site assessment process and that a new screening tool to determine whether a site should undergo an HRS evaluation will not be needed. To assist in screening sites, the site assessment process is divided into two stages:

- A preliminary assessment (PA), which focuses on a visual inspection, collection of available local, State, and Federal permitting data, site-specific information (e.g., topography, population), and historical industrial activity; and
- A site inspection (SI), where PA data are augmented by additional data collection, including sampling of appropriate environmental media and wastes, to determine the likelihood of a site receiving a high enough HRS score to be considered for the NPL.

The field test identified a best estimate of the average and range of costs incurred to support the data requirements of the proposed HRS. These cost estimates represented the entire site assessment process from PA to SI, and comprehensive evaluations for all pathways at most sites. As such, the Agency believes these cost estimates overstate the costs associated with site assessments occurring on the greater universe of CERCLA sites. The amount of data collected during an SI varies from site to site depending on the complexity of the site and the number of environmental media believed to be contaminated. Some SIs may be limited in scope if data are easy to obtain, while others require more substantial resource commitments. The most important factors in determining costliness of an SI are (1) the presence or absence of ground water monitoring wells in situations where ground water is affected, and (2) the number of affected media, which determines the number of samples taken and analyzed. The Agency believes the greater universe of CERCLA sites will not require the more substantial resource commitments.

Finally, EPA does not agree that the requirements of the final rule will delay the listing of sites. The site assessment process screens sites at each stage, thereby limiting the number of sites that require evaluation for scoring. The Agency believes that it will be possible to score sites expeditiously with the revised HRS.

The Agency believes the additional data requirements of the final rule will make it more accurately reflect the relative risks posed by sites, but also that the HRS should be as simple as possible to make it easier to implement and to retain its usefulness as a screening device. This approach responds to the majority of commenters who recommended that EPA simplify the proposed HRS to make it easier and less expensive to implement. In response to these comments, the rule adopted today includes a number of changes from the proposed rule that simplify the HRS. These simplifying changes were based largely on EPA's field test of the proposed rule, sensitivity studies, and issue analyses undertaken by EPA in response to comments.

- In the surface water migration pathway, the proposed recreation threat has been eliminated as a separate threat. Instead of requiring a separate set of detailed calculations and data, the final rule accounts for recreational use exposures through resources factors, where points may be added for recreation use.
- In the ground water migration pathway, the proposed potential to release has been simplified by dropping "sorptive capacity," by revising "depth to aquifer" and making it a separate factor, and by eliminating the requirement to consider all geological layers between the hazardous substance and the aquifer in evaluating travel time to the aquifer. The "travel time" factor (the depth to aquifer/hydraulic conductivity factor in the proposed rule)

is now based on the layer(s) with the lowest hydraulic conductivity.

- In the three migration pathways (i.e., ground water, surface water, and air), the use factors in the proposed rule—"land use" in the air migration pathway, "drinking water use" and "other water use" in the ground water migration pathway, and "drinking water use" and "other water use" in the surface water migration pathway—have been replaced by "resources" factors. The "fishery use" factor has been dropped from the surface water migration pathway. A resources factor has been added to the soil exposure pathway.
- In the soil exposure pathway, the requirement that children under seven be counted as a separate population has been dropped. The "accessibility/frequency of use" factor has been replaced by a simpler "attractiveness/accessibility" factor.
- In the surface water migration pathway, the "runoff curve number," which required determining the predominant land use within the drainage area, has been replaced by a simpler factor, "soil group," which only requires classifying the predominant soil group in the drainage area into one of four categories.
- In the air migration pathway, the maps used to assign values of particulate migration potential (formerly particulate mobility under potential to release) have been simplified.
- In all pathways, potentially exposed populations are assigned values based on ranges rather than exact counts, reducing documentation requirements.
- In the surface water and ground water migration pathways, Level III benchmarks have been dropped.
- In all pathways, hazardous waste quantity values are based on ranges, which will reduce documentation requirements. The methodology and explanation for evaluating the hazardous waste quantity factor have been simplified.
- Containment tables have been simplified in the air, ground water, and surface water migration pathways.

A number of the simplifications, such as the changes to the travel time and hazardous waste quantity factors, better reflect the uncertainty of the underlying site data and, therefore, do not generally affect the accuracy of the HRS. In addition, EPA notes that some revisions that may appear to make the HRS more complex actually make it more flexible. For example, the hierarchy for determining hazardous waste quantity allows using data on the quantity of hazardous constituents if they are available or can be determined; additionally, data on the quantity of hazardous wastestreams, source volume, and source area can be used, depending on the completeness of data within the hierarchy. The hierarchy allows a site to be scored at the most precise level for which data are reasonably available, but does not require extensive data collection where available data are less precise.

In response to comments on the complexity of the rule language, the presentation of the HRS has been reorganized and clarified. Factors that are evaluated in more than one pathway are explained in a separate section of the final rule (§ 2) to eliminate the repetition of instructions. The proposed HRS included descriptive background material that, while useful, made the HRS difficult to read. Much of this descriptive material has been removed from the rule.

B. HRS Structure Issues

Although the proposed rule retained the basic structure of the original HRS, a number of commenters felt that the HRS should provide results consistent with the results of a quantitative risk assessment. Several commenters identified this issue explicitly, while others identified specific aspects of the proposed rule that they believed to be inconsistent with basic risk assessment principles. The commenters maintained that if the HRS is to reflect relative risks to the extent feasible, as required by the statute, its structure should be modified to better reflect the methods employed in quantitative risk assessments. Commenters stressed the need for EPA to follow the advice of the EPA Science Advisory Board (SAB) as expressed in the SAB review of the HRS:

> Revisions to the HRS should begin with the development of a chain of logic, without regard for the ease or difficulty of collecting data, that would lead to a risk assessment for each site. This framework, but not the underlying logic, would be simplified to account for the very real difficulties of data collection.
>
> This chain of logic * * * should lead to a situation in which an increased score reflects an increased risk presented by a site.

In response to the structural issues raised by commenters and to the statutory mandate to reflect relative risk to the extent feasible, EPA made a number of changes to the final rule. These structural changes affect how various factors are scored and how scores are combined, but do not involve changes in the types or amount of data required to score a site with the HRS. The Agency stresses that the limited data generated at the SI stage are designed to support site screening, and are not intended to provide support for a quantitative risk assessment.

General structural changes. While the final rule retains the basic structure of the proposed rule in that three factor categories (likelihood of release, waste characteristics, and targets) continue to be multiplied together to obtain pathway scores, the structure has been changed in certain respects to make the underlying logic of the HRS more consistent with risk assessment principles.

The key structural changes to the waste characteristics factor category were to make use of consistent scales and to multiply the hazardous waste quantity and toxicity (or, depending on the pathway and threat, toxicity/mobility, toxicity/persistence, or toxicity/persistence/bioaccumulation) factors. Within the waste characteristics factor category, factors have been modified so they are on linear scales. These modifications make the functional relationships between the HRS factors more consistent with the toxicity and exposure parameters evaluated in risk assessments.

Where possible, the final rule assigns similar maximum point values to factor categories across pathways. The likelihood of release (likelihood of exposure) factor category is assigned a maximum value of 550; the waste characteristics factor category is assigned a maximum value of 100 (except for the human food chain and environmental threats of the surface water migration pathway); the targets factor category is not assigned a maximum. EPA determined that in general targets should be a key determinant of site threat because the data on which the targets factors are based are relatively more reliable than most other data available at the SI stage.

Likelihood of release. Except in the air migration pathway, the proposed rule assigned the same maximum value to observed release and potential to release. In the final rule, an observed release is assigned a value of 550 points and potential to release has a maximum value of 500 in all pathways. This relative weighting of values reflects the greater confidence (the association of risks with targets) when reporting an observed release as opposed to a potential release. As a result of this change in point values at the factor category level, as well as the new maximums for most pathways, the values assigned to individual potential to release factors have been adjusted.

Waste characteristics. The proposed rule assigned a maximum point value to hazardous substance quantities of 1,000 pounds. Because some sites have hazardous substance quantities far in excess of that amount and because it is reasonable to assume that these sites present some additional risk, all else being equal, the final rule elevates the maximum value to quantities in excess of 1,000,000 pounds. Even when hazardous waste quantity is documented with precision, EPA concluded that there are diminishing returns in considering quantities above this amount.

Although the HRS does not employ the same type and quality of information that would be used to support a risk assessment (e.g., pounds of waste and mobility are combined in the ground water pathway as a surrogate for long-term magnitude of releases), as waste characteristics values rise, contamination resulting from conditions at the sites in general should be worse. As a result of using linear scales and incorporation of a multiplicative relationship between hazardous waste quantity, toxicity, and other waste characteristics factors, the influence of the waste characteristics factor category could be disproportionately large relative to the likelihood of release and targets factor categories in determining overall pathway scores. Therefore, EPA is limiting—through use of a scale transformation—the values assigned to the waste characteristics factor category, shown in Table 2-7 of the final HRS, to limit the effect of waste characteristics on the pathway scores.

While the waste characteristics factor values are limited to values of 0 to 100 in most cases, the waste characteristics factor category may reach values of up to 1,000 for both the human food chain and environmental threats in the surface water migration pathway. These exceptions have been made to accommodate the bioaccumulation factor (or ecosystem bioaccumulation factor), applied in these threats but not in other pathways or threats, which can add up to four orders of magnitude to the waste characteristics factor values before reduction to the scale values of 0 to 1,000.

Targets. The final rule includes two major structural changes to the targets factor category. Population factor values are not capped as they were in the proposed rule. This change allows a site with a large population but a low waste characteristics value to receive scores similar to a site with a smaller population but larger waste characteristics value (as would be done in a risk assessment). A second change in the targets factors involves the nearest individual (or intake or well) factors (i.e., the maximally exposed individual factors in the proposed rule). These factors are now assigned values based on exposure to Level I and Level II contamination (50 and 45 points, respectively). Potentially exposed nearest individuals are assigned a maximum of 20 points in all pathways. EPA changed the assigned values for these factors to give more relative weight to individuals that are exposed to documented contamination.

C. Hazardous Waste Quantity

In the NPRM, EPA proposed to change the hazardous waste quantity factor to allow the use of four levels of data depending on what data are available and how complete they are. Hazardous waste quantity for a source could be based on (a) hazardous constituent quantity, (b) the total quantity of hazardous wastes in the source, (c) the volume of the source, or (d) the area of the source. Each source at the site would be evaluated separately, based on data available for the source.

EPA received numerous comments relating to changes in the hazardous waste quantity factor. Several commenters agreed that allowing use of waste constituent data, when available, was an improvement over the original HRS. Several also supported the tiered approach to scoring hazardous waste quantity when constituent data were incomplete or unavailable.

Two commenters stated that the emphasis on hazardous constituent data will require more extensive and expensive site investigations. These commenters have misunderstood the revisions. The rule does not require the scorer to determine hazardous constituent quantities in all instances, but simply encourages use of those data when they are available. This approach allows a scorer the flexibility to use different types of available data for scoring hazardous waste quantity. At a minimum, the scorer need only determine the area of a source (or the area of observed contamination), which is routinely done in site inspections. Where better data are available, they may be used in scoring the factor. This approach is in keeping with the intent of Congress that the HRS should act as a screening tool for identifying sites warranting further investigation.

Several commenters stated that the methodology for determining hazardous waste quantity was too complex and time consuming, and that its administrative costs outweighed its benefits. Others found the proposed rule instructions and tables confusing and hard to follow.

EPA strongly disagrees with the claim that the costs of the revised approach to scoring waste quantity outweigh its benefits. The amount of hazardous substances present at a site is an important indicator of the potential threat the site poses. At the same time, EPA recognizes that cost is an important consideration. In revising the hazardous waste quantity factor, however, the Agency believes it has established an appropriate balance between time and cost required for scoring this factor and the degree of accuracy needed to evaluate the relative risk of the site properly.

In response to comments, EPA has modified the hazardous waste quantity scoring methodology to make it easier to understand and to use. The changes include elimination of proposed rule Table 2-13, Hazardous Waste Quantity Factor Evaluation Methodology and Worksheet. In addition, the scale for the hazardous waste quantity factor has been divided into ranges that span two orders of magnitude (100x) to reflect the uncertainty inherent in estimates of hazardous waste quantities at typical sites. The practical effect of this scale change is to reduce the data collection and documentation requirements. See §§ 2.4.2–2.4.2.2. The final rule also clarifies the treatment of wastes classified as hazardous under RCRA. Under CERCLA, any RCRA hazardous waste stream is considered a hazardous substance. If this definition were strictly applied in evaluating hazardous waste quantity of RCRA hazardous wastestreams, hazardous constituent quantity and hazardous wastestream quantity would be the same because the entire wastestream would be considered a hazardous substance. The final rule makes clear that only the constituents in a RCRA wastestream that are CERCLA hazardous substances should be evaluated for determining hazardous constituent quantity; for the other three tiers, however, the entire RCRA wastestream is considered as is any other wastestream.

As discussed in section III Q, EPA will consider removal actions when calculating waste quantities. EPA believes consideration of removal actions is likely to increase incentives for rapid actions. If there has been a removal at a site, and the hazardous constituent quantity for all sources and associated releases is adequately determined, the hazardous waste quantity factor value will be based only on the amount remaining after the removal. This will result in lowering some hazardous waste quantity factor values.

Where an adequate determination of the hazardous constituent quantity remaining after the removal cannot be made, EPA has established minimum hazardous waste quantity factor values in order to ensure that the HRS score reflects any continuing risks at the sites. In this case, the assigned hazardous waste quantity factor value will be the current hazardous waste quantity factor value (as derived in Table 2-6), or the minimum value, whichever is greater.

The proposed rule assigned a minimum hazardous waste quantity factor value of 10 when data on hazardous constituent quantity was not complete. In the final rule, for migration pathways (i.e., not the soil exposure pathway), if the hazardous constituent quantity is not adequately determined, and if any target is subject to Level I or II contamination, the minimum hazardous waste quantity factor value will be 100.

If the hazardous constituent quantity for all sources is not adequately determined, and none of the targets are subject to Level I or II contamination, the minimum factor value assigned for hazardous waste quantity depends on whether there has been a removal action, and what the hazardous waste quantity factor value would have been without consideration of the removal action. If there has not been a removal action, the minimum hazardous waste quantity factor value will be 10. If there has been a removal action and if a factor value of 100 or greater would have been assigned without consideration of the removal action, a minimum hazardous waste quantity factor value of 100 will be assigned. If the hazardous waste quantity factor value was less than 100 prior to consideration of the removal action, a minimum hazardous waste quantity factor value of 10 will be assigned. This will ensure that the Agency provides an incentive for removal actions and that in no case will consideration of removal actions result in an increased hazardous waste quantity factor value score.

D. Toxicity

The proposed HRS substantially changed the basis for evaluating toxicity. The major change was that hazardous substance toxicity would be based on carcinogenicity, chronic non-cancer toxicity, and acute toxicity. For each migration pathway and each surface water threat except human food chain and recreation, toxicity was combined with mobility or persistence factors to select the hazardous substance with the highest combined value for toxicity and the applicable mobility or persistence factor. For the human food chain threat, only substances with the highest bioaccumulation values were evaluated for toxicity/persistence. For the recreation threat, only substances with the highest dose adjusting factor values were evaluated for toxicity/persistence. In addition, ecosystem toxicity rather than human toxicity was evaluated for the environmental threat of the surface water migration pathway.

Several commenters expressed concern about or opposition to using the single most hazardous substance at a site to score toxicity, stating that the approach seems overly conservative and unlikely to distinguish sites on the basis of hazard. Some commenters suggested that EPA allow flexibility in weighting the toxicity values of multiple substances either by concentration, waste quantity, or proportion information, whenever such information is available. One commenter suggested basing toxicity on a fixed percentage of the hazardous substances known to be present at a site.

The Agency agrees that, for purposes of accurately assessing the risk to human health and the environment posed by a site, it would be preferable to evaluate the overall toxicity by considering all hazardous substances present, based on some type of dose- (or concentration-) weighted toxicity approach. EPA believes, however, that this approach is not feasible because the data requirements would be excessive. Such an approach would be feasible only when relative exposure levels of multiple substances are known or can reasonably be estimated; however, these data can be obtained only by conducting a comprehensive risk assessment. Extensive concentration data would be required to be confident that comparable concentrations are being used for the various substances, and that the multi-substance toxicity of the contaminants is not, in fact, being underestimated. Use of inadequate data could result in underestimating or overestimating the toxicity of substances in a pathway.

EPA considered a number of alternatives to the use of a single hazardous substance to score toxicity (mobility/persistence) and tested some of these on several real and hypothetical sites. The analyses included comparisons between the single most toxic substance and the average toxicity value for all substances, the average toxicity value for the 10 most toxic substances, and the concentration-weighted average value of all substances. These alternatives were also tested using toxicity/mobility values. The results of these analyses showed that using a single substance approach usually resulted in an assigned value (either toxicity or toxicity/mobility) that was within one interval in the scale of values of the alternatives tested; for example, the single substance approach would assign a value of 1,000 for toxicity whereas averaging the toxicities would assign a value of 1,000 or 100, the next lower scale value. (The final rule uses linear scales to assign values for toxicity, mobility, and persistence. The scales for toxicity now range from 0 to 10,000 rather than 0 to 5; consequently, the default value for toxicity is now 100 rather than 3.) The Agency recognizes the uncertainty in the use of the single substance approach, but concludes that it is a reasonable approach for a screening model, especially given the general unavailability of information to support alternatives. In making this judgment, the Agency notes that the single substance approach to evaluating the toxicity factor was not identified in SARA as a portion of the HRS requiring further examination, even though it had been used in the original HRS and EPA had received criticism similar to the above comments prior to the enactment of SARA.

Several commenters suggested that additive, synergistic, or antagonistic effects among substances be considered in scoring toxicity when several substances are found at a site. In particular, one commenter suggested increasing the scores for sites with a large number of hazardous substances to account for additive or synergistic effects.

As noted in EPA's 1988 *Technical Support Document for the Proposed Revisions to the Hazard Ranking System*, quantitative consideration of synergistic/antagonistic effects between hazardous substances is generally not possible even in RI/FS risk assessments because appropriate data are lacking for most combinations of substances. Interactive effects have been documented for only a few substance mixtures, and the Agency's risk assessment guidelines for mixtures (51 FR 34014, September 24, 1986) emphasize that although additivity is a theoretically sound concept, it is best applied for assessing mixtures of similar acting components that do not interact. Thus, the Agency believes that consideration of interactive effects in evaluating toxicity in the HRS is not feasible, nor is it necessary to allow use of the HRS as a screening model. The Agency rejects the suggestion that scores should simply be raised for sites with numerous substances because this approach ignores the technical complexities related to interactions (i.e., the possibility of antagonistic effects.)

One commenter suggested that a waste's toxicity should be assessed in terms of its "degree of risk," and that this could be measured by comparing constituent concentrations at the point of exposure to appropriate toxicity reference levels. Two commenters stated that toxicity should be measured at a likely point of human exposure rather than at the waste site.

The toxicity of a substance, as used in the HRS, is an inherent property, often expressed quantitatively as a dose or exposure concentration associated with a specific response (i.e., a dose-response relationship). These toxicity values, in general, are independent of expected environmental exposure levels; many are based on laboratory tests on animals. Risk, on the other hand, is a function of toxicity, the concentration of a substance in environmental media to which humans may be exposed, and the likelihood of exposure to that medium (and the population likely to be exposed). The toxicity factor in the waste characteristics factor category of the HRS is intended to reflect only the inherent toxicity (i.e., the basic dose-response relationship) of substances found at the site. The HRS as a whole is intended to evaluate, to the extent feasible, relative risks posed by sites by including factors for likelihood of release, waste quantity, toxicity, and the proximity of potentially exposed populations. If actual contamination (for example, of drinking water) has been detected at a site, the measured environmental concentration of each substance is compared with its appropriate health-based or ecological-based concentration limit (i.e., its benchmark). If these environmental concentrations equal or exceed a benchmark, certain target factors are assigned higher values than if environmental concentrations are less than benchmarks.

Two commenters suggested using Cancer Potency Factors to score toxicity only for Class A and B1 carcinogens, and using reference doses (RfDs) for scoring Class B2 and C carcinogens (i.e., substances for which there is inadequate or no direct human evidence of carcinogenicity).

In response, EPA believes that because the HRS is a screening tool, it should maintain a conservative (i.e., protective) approach to evaluation of potential cancer risks. EPA's 1986 *Guidelines for Carcinogen Risk Assessment* (51 FR 34014, September 24, 1986) provide for substances in Class A and Class B (both B1 and B2) to be regarded as suitable for quantitative human risk assessment. In general, according to EPA's 1989 *Risk Assessment Guidance for Superfund: Human Health Evaluation Manual,* Class C substances are evaluated for cancer risks within the Superfund risk assessment process. Thus, the use of cancer risk information for Class B2 and C substances in the HRS is consistent with the objective of maintaining a conservative approach and with other Agency and Superfund program risk assessment guidelines.

In response to comments that the best available data should be used to score sites, that accepted Agency practices be relied on, and that consistency across pathways be encouraged, the Agency has modified slightly the way the toxicity value for a substance is selected. The final rule requires the use of carcinogenicity and chronic toxicity data, when available, over acute toxicity data. If both slope factors and RfDs are available, the higher of the values assigned for these types of toxicity parameters is used. If neither is available, but acute toxicity data are available, the acute toxicity data are used to assign toxicity factor values. EPA decided to give preference to slope factors and RfD values because these undergo more extensive Agency review and are based on long-term exposure studies.

E. Radionuclides

The proposed HRS assigned radionuclides a maximum toxicity value, but included no other procedures specific to radionuclides.

One commenter, the U.S. Department of Energy (DOE), asserted that the proposed HRS "* * * contains an inequitable bias regarding radionuclides * * *" DOE specifically criticized assigning maximum toxicity factor values to radionuclides, "* * * where, in fact, the health impact associated with radionuclides is associated with the type of decay, the level of decay energy, the half-life, the mobility, the concentration of the radionuclide, internal biological factors, and external pathway factors." DOE proposed using concepts for evaluating radionuclides that were included in its Modified Hazard Ranking System (mHRS). In its subsequent comments on the HRS field test report, DOE stated that it considered the "* * * method of handling radionuclides in the proposed revised HRS to be a serious flaw in the evaluation system."

In the final rule, EPA has clarified and significantly changed how radionuclides are evaluated. Instead of using or adapting the mHRS directly, however, EPA modified the proposed HRS to account more fully for radionuclides based on EPA's own methods for evaluating them, which are similar to and generally consistent with the radiation analysis concepts underlying the mHRS.

The final rule evaluates radionuclides within the same basic structure as other hazardous substances, and the evaluation of many individual HRS factors is the same whether radionuclides are present or not. Table 7-1 of the final rule lists HRS factors and indicates which are evaluated differently for radionuclides. Essentially, radionuclides are simply treated as additional hazardous substances with certain special characteristics that are accounted for by separate scoring rules for some HRS factors. For sites containing only radionuclides, the scoring process is very similar to the process at other hazardous substance sites, except that different scoring rules are applied to a number of substance-specific factors and a few other factors. For sites containing both radionuclides and other hazardous substances, both types of substances are scored for all HRS factors that are substance-specific, with overall factor values based either on combined values or the higher of the values, as appropriate.

EPA notes that, although some radioactive substances are statutorily excluded from the definition of "hazardous waste" in both CERCLA and RCRA (specifically, source, special nuclear, and byproduct material as defined in the Atomic Energy Act of 1954), such substances may be, and generally are, "hazardous substances" as defined in section 101(14) of CERCLA and therefore may be addressed under CERCLA. Radioactive substances should be included in HRS scoring and section 7 of the final rule is intended to facilitate that analysis. It also should be noted that two narrow categories of releases (either from "nuclear incidents" or from sites designated under the Uranium Mill Tailings Radiation Control Act of 1978) are excluded from CERCLA's definition of the term "release" (CERCLA section 101(22)), and such releases should not be scored using the HRS.

The major changes to the HRS in the evaluation of radionuclides apply to establishing observed releases, to factors in the waste characteristics category, and to determining the level of actual contamination in the targets factor category. The HRS components that have been modified are briefly described below.

The criteria for establishing an observed release through analysis of samples for radionuclides differ considerably from the criteria used for other hazardous substances. These criteria are divided into three groups: radionuclides that occur naturally or are ubiquitous in the environment; manmade radionuclides that are not ubiquitous in the environment; and gamma radiation (soil exposure pathway only). (See § 7.1.1.)

The hazardous waste quantity factor for sources (and areas of observed contamination) containing radionuclides has been modified to reflect the different units used to measure the amount of radiation (curies, a measure of activity) versus the units used for other hazardous substances (pounds, a measure of mass). EPA believes it is preferable to use activity units rather than mass units because activity is the standard measure of radiation quantity and is a better indicator of energy released and potential to cause human health damage than is mass. In addition, the hierarchy for evaluating the waste quantity factor for sources (and areas of observed contamination) containing radionuclides is limited to Tiers A and B. Tiers C and D, based on source volume and source area, respectively, are not used because adequate data to derive their quantitative relationship to Tier A were unavailable. Thus, the waste quantity factor is based either on radionuclide constituent quantity (Tier A) or radionuclide wastestream quantity (Tier B).

For sites containing only radionuclides, hazardous waste quantity is calculated based on the activity content of the radionuclides or radionuclide wastestreams associated with each source. For sites with both radionuclides and other hazardous substances, hazardous waste quantity is evaluated separately for the two types of hazardous substance for each source, and the values are then summed in determining the hazardous waste quantity value. The scale for scoring radionuclide waste quantity was derived based on concepts of risk equivalence between radionuclides and other hazardous substances.

In the proposed rule, all radionuclides were automatically assigned a maximum default value for the toxicity factor. The final rule evaluates radionuclides individually on the basis of human toxicity, across a range of factor values based on the potential to cause cancer (i.e., cancer slope factors). Non-cancer effects are not considered for radionuclides because cancer is generally the most significant toxic effect. Incorporated in the development of cancer slope factors are the type of radioactive decay; energy emitted during decay; biological uptake, distribution, and retention; and radiation dose-response relationship. Thus, across the set of scoring ranges used, radionuclides that are more potent carcinogens per unit activity now receive higher toxicity factor values than those that are less potent. The new toxicity scoring scale for radionuclides was derived in a manner consistent with the derivation of the existing carcinogenicity scale for other hazardous substances. Taken together, the new toxicity and hazardous waste quantity scales for radionuclides result in a risk equivalence between radionuclides and other hazardous substances.

Mobility of radionuclides in both the air and ground water migration pathways is evaluated in the same way as mobility for other hazardous substances; that is, on the basis of the chemical and physical characteristics of the radionuclide. Similarly, the bioaccumulation (and ecosystem bioaccumulation) potential factor is evaluated in the same way for radionuclides as for other hazardous substances. The final rule clarifies that radionuclides should be scored for these factors in all relevant pathways.

The persistence factor in the surface water migration pathway has been modified so that radionuclides are evaluated solely on the basis of half-life, which for HRS purposes is based on both radioactive half-life and volatilization half-life. Sorption to sediments is not considered, nor are hydrolysis, photolysis, or biodegradation. Other than this change in the processes considered to estimate surface water half-life, the scoring of the persistence factor is the same for radionuclides as for other hazardous substances.

The final rule extends to radionuclides the benchmark concept used throughout the HRS for weighting certain targets factor values. Measured levels of specific radionuclides at potential exposure points are compared to benchmark levels, and additional weight is given to targets subject to actual contamination (Levels I and II). This approach for weighting target factors using benchmarks is similar for radionuclides and for other hazardous substances, although both the specific benchmark values used for radionuclides and the methods for deriving the values are different. Benchmarks for evaluating radionuclide contamination parallel those used for other hazardous substances in that available Federal standards and screening concentrations are used when applicable. At sites with both radionuclides and other hazardous substances, each radionuclide and other substance is evaluated separately. If no individual substance equals or exceeds its benchmark, the ratios of the measured concentrations to the screening concentrations for cancer for radionuclides and other hazardous substances are added. Radionuclides are not evaluated using screening concentrations for non-cancer effects.

Specific benchmark values for radionuclides are in activity units instead of mass units, however, to reflect the appropriate measurement units for the level of radionuclide contamination. Radionuclide benchmarks include drinking water maximum contaminant levels (MCLs) for both the ground water and the surface water/drinking water threat pathways; Uranium Mill Tailings Radiation Control Act (UMTRCA) standards for the soil exposure pathway; and screening levels corresponding to 10^{-6} individual cancer risk for inhalation or oral exposures, as derived from cancer slope factors, for all pathways and threats incorporating human health benchmarks. The radionuclide benchmarks are consistent with EPA's radionuclide risk assessment methods in that they incorporate standard data or assumptions about contact/consumption rates for various environmental media and radiation dose-response, as well as the specific radionuclide's type of decay, decay energy, biological absorption, and biological half-life. Furthermore, radionuclide benchmarks for the soil exposure pathway account for external exposure (i.e., exposure to radiation originating outside the human body) from gamma-emitting radioactive materials in surficial material as well as from ingestion, which is the sole basis for non-radioactive hazardous substance benchmarks for the soil exposure pathway, because external exposure from gamma-emitting radionuclides can be an extremely important exposure route.

F. Mobility/Persistence

The proposed rule added mobility factors to both the ground water and air migration pathways and modified the persistence factor in the surface water migration pathway to consider a greater number of potential degradation mechanisms.

The Agency received a large number of comments critical of several aspects of the ground water mobility factor. The most common issues included:

- Concern about the use of coefficients of aqueous migration to establish mobility values for inorganic cations and anions;
- Suggestions that solubility values, distribution coefficients, and other measures be used to establish mobility values for anions and cations; and
- Requests that the same measures of mobility be used for organics and inorganics.

Criticism of the use of the coefficients of aqueous migration focused on its obscurity; except for geochemists, few scientists are familiar with the measure. In response to these comments and because coefficients of aqueous migration are not available for all hazardous substances and radionuclides, the Agency decided to replace coefficients of aqueous migration.

The majority of commenters stated a preference for using parameters related either to hazardous substance release (solubility) or to transport (distribution coefficients) as measures of mobility. The ground water mobility factor is intended to reflect the fraction of a hazardous substance expected to be released from sources, migrate through porous media, and contaminate aquifers and the drinking water wells that draw from them. Because mobility is concerned with both release and transport, the Agency concluded that mobility for all hazardous substances in ground water will be evaluated using both solubility and distribution coefficient values. A default value is assigned when none of the hazardous substances eligible to be evaluated can be assigned a mobility factor value based on available data.

A number of commenters raised questions about the persistence factor in the surface water migration pathway. In general, the commenters were divided between those who wanted more degradation mechanisms considered and those who believed the equation in the proposed rule for calculating half-lives was too complex. Several commenters suggested including sorption of substances by sediments.

In response to these comments, EPA has made several changes to the persistence factor. The free-radical oxidation half-life has been dropped from the equation used to calculate half-life because the data on which its half-life values are based are typically derived from ideal, laboratory conditions that differ greatly from conditions found in nature; few field validation studies have been conducted to provide a basis for extrapolating these laboratory values to natural environments. Thus, EPA concluded that including free-radical oxidation in the persistence equation resulted in an overemphasis of the influence of free-radical oxidation as a degradation mechanism. For hazardous substances that sorb readily to particulates found in natural water bodies, the persistence equation as proposed overemphasized the importance of degradation mechanisms that occur in the liquid phase. Log K_{ow}, the logarithm of the n-octanol-water partition coefficient, has been added to account for sorption to sediments.

The Agency received several comments concerning the mobility factors in the air migration pathway. The most significant of the issues raised by commenters were:

- Whether consideration of mobility in both the likelihood of release factor category and the waste characteristics factor category counts mobility twice;
- Whether the approach used in the proposed rule properly reflected the dynamics of releases of gases from sources into the atmosphere; and
- Whether the Thornthwaite P-E Index was sufficient as the sole measure of particulate mobility and whether particle size should be included.

In response to these and other related structural and air migration pathway comments, the Agency thoroughly re-assessed the adequacy of the mobility factors in the likelihood of release and waste characteristics factor categories. Based on this review, EPA has made several changes to the mobility factors in the final rule. In response to the "double counting" issue, the Agency believes there are differences between mobility in the context of likelihood of release and mobility in the context of waste characteristics. The potential to release mobility factor is a measure of the likelihood that a source at a site will release a substance to the air; the waste characteristics mobility factor, together with the hazardous waste quantity factor, is a measure of the magnitude of release. To highlight these differences, the names of the likelihood of release mobility factors have been changed to gas (or particulate) migration potential.

In response to comments on air migration pathway mobility and structure, EPA reviewed gas and particulate release rate models to develop revised mobility factors that improve evaluations of release magnitude and duration. The gas and particulate mobility factors in the final rule are a result of that review. The gas mobility factor is based on a simplified release model and is determined by the vapor pressure of the most toxic/mobile hazardous substance available for migration to the atmosphere at the site. The particulate mobility factor is based on a simplified fine-particle wind-erosion model and reflects the combined effects of differing wind speeds and soil moisture. Analyses indicated that soil moisture was dominant over both wind speed and particle size, which are essentially equal in effect. Because of the comparative difficulty of determining particle sizes in an SI, a single particle size was assumed to apply to all sites. This constant particle size value was factored into the simplified model yielding the factor in the final rule.

G. Observed Release

The proposed HRS described how to determine whether an observed release was significantly above background levels based on multiples of detection limits and background concentrations.

Some commenters stated that the proposed revisions treated observed release in an overly complex manner. A number of commenters, primarily from the mining industries, were concerned about the consideration of background concentration in determining an observed release. (See Section III P below for a summary of their concerns and EPA's response.)

As in the proposed rule, observed releases may be established based on either direct observation or chemical analysis of samples. In the case of direct observation, material (e.g., particulate matter) containing hazardous substances must be seen entering the medium directly or must have been deposited in the medium.

EPA has replaced the proposed rule criteria for establishing an observed release by chemical analysis with simpler criteria. In the final HRS, an observed release is established when a sample measurement equals or exceeds the sample quantitation limit (SQL) and is at least three times above the background level, and available information attributes some portion of the release of the hazardous substance to the site. (The SQL is the quantity of a hazardous substance that can be reasonably quantified, given the limits of detection for the methods of analysis and sample characteristics that may affect quantitation (e.g., dilution, concentration).) When a background concentration is not detected (i.e., below detection limits), an observed release is established when the sample measurement equals or exceeds the SQL. Any time the sample measurement is less than the SQL, no observed release is established. Table 2-3 of the final rule provides the criteria for determining when analytic sampling information is sufficient for establishing an observed release (or observed contamination in the soil exposure pathway). The final rule also provides procedures to be followed when the SQL is unavailable and defines various types of detection and quantitation limits in the context of the HRS. (See § 2.3 of the final rule.)

H. Benchmarks

SARA requires that EPA give high priority to sites that have led to closing of drinking water wells or contamination of principal drinking water supplies. To respond to this mandate, the proposed rule added health-based benchmarks to the ground water and surface water migration pathways; in addition, ecological-based benchmarks were added to evaluate sensitive environments targets in surface water. In the proposed rule, population factors were evaluated at Level I if a health-based benchmark had been exceeded. If actual contamination was present, but the benchmark was not exceeded, populations were evaluated based on two levels of contamination (i.e., Level II and Level III). Sensitive environments in the surface water migration pathway were evaluated based on two levels of actual contamination (exceeding benchmark or not exceeding benchmark). Where several hazardous substances were present below benchmarks, the percentages of their concentrations relative to their benchmarks were added to determine which level was used to assign values.

Of the commenters on this issue, most supported EPA's proposal to give extra weighting to sites where measured exposure-point concentrations exceed benchmarks. One commenter who dissented suggested giving extra weighting to sites where actual contamination is documented; documentation of an observed release (or observed contamination) would be the only criterion for assigning higher values to target factors, and the relationship of the concentration of hazardous substances to benchmarks would not be used. The other dissenting commenter suggested that EPA re-evaluate the role of health-based benchmarks in the HRS because common sense, and other laws, will discourage people from drinking water contaminated above benchmark levels, and because evaluating this factor will entail large resource expenditures for marginal gains in discrimination.

The final rule weights most targets based on actual and potential exposure to contamination across all pathways and threats, including those for which benchmarks were not originally proposed, because EPA believes that this approach both improves the ability of the HRS to identify sites that pose the greatest threat to human health and the environment and increases the internal consistency of the HRS. (See §§ 2.5, 2.5.1, 2.5.2, 3.3.1, 3.3.2, 4.1.2.3.1, 4.1.2.3.2, 4.1.3.3.1, 4.1.3.3.2, 4.1.4.3.1, 4.2.2.3.1, 4.2.2.3.2, 4.2.3.3.1, 4.2.3.3.2, 4.2.4.3.1, 5.1.3.1, 5.1.3.2, 6.3.1, 6.3.2, 6.3.4, 7.3.1, 7.3.2.) In the final rule, both the population factors and the factors reflecting the hazard to the nearest individual (or well or intake) are evaluated in relation to health-based benchmarks in all pathways. The sensitive environment factor in the surface water environmental threat is weighted in relation to ecological-based benchmarks; however, in the soil exposure and air migration pathways, the sensitive environment factor is weighted simply on the basis of exposure to actual contamination, and no benchmarks are used.

The Agency chose to use benchmarks in all pathways in response to comments that specifically suggested such a change; it is also responding to comments that the HRS should better reflect relative risks and that the approaches in all pathways should be consistent. The Agency has concluded that the concerns expressed by commenters outweigh the concerns about uncertainties in the evaluation of samples collected in air and soil and about the lack of regulatory standards and criteria on which to base soil or air benchmarks that led the Agency not to include benchmarks for those pathways in the proposed rule. In short, EPA carefully considered this point and concluded that the consistent application of benchmarks across all pathways provides for the most reasonable use of data given the purpose of the HRS as a screening tool.

EPA generally selected specific criteria based on applicable or relevant and appropriate requirements (ARARs), excluding State standards, that have been selected for the protection of public health and the environment as outlined in the NCP (55 FR 8666, March 8, 1990). In the HRS NPRM, EPA proposed to use MCLs, maximum contaminant level goals (MCLGs), and screening concentrations (SCs) based on cancer slope factors as drinking water benchmarks, and Food and Drug Administration (FDA) Action Levels as benchmarks for the human food chain threat. EPA also proposed to use Ambient Water Quality Criteria (AWQC) as ecological-based benchmarks for the environmental threat. EPA received 21 comments from 12 commenters on which benchmarks the HRS should use and whether additional information should be considered in establishing benchmarks. Opinion was divided on the use of specific types of benchmarks: three commenters supported the use of MCLs; three did not. Two commenters supported the use of MCLGs, two opposed such use, and one suggested that EPA consider the economic impact of using the value of 0 (i.e., the MCLG for a carcinogen) as a health-based benchmark. Two commenters suggested including relevant State drinking water standards, and one suggested including concentrations based on RfDs. One commenter expressed concern that the current lack of water quality standards for many substances might make the benchmark system ineffective in identifying sites that pose a significant threat to human health. Two commenters suggested that carcinogen weight of evidence should be used in establishing SCs (e.g., the individual risk level should be lower for a Class A carcinogen than for a Class B2 carcinogen). Two commenters suggested considering other important routes of exposure (e.g., inhalation of hazardous substances volatilized from water, or dermal contact with contaminated water) in establishing drinking water benchmarks.

EPA conducted a number of analyses on specific benchmarks and on the modification of factors to consider in establishing HRS benchmarks. As a result of public comments and these analyses, EPA has concluded that the HRS is improved by including concentrations based on nationally uniform standards, criteria, or toxicity values as health-based or ecological-based benchmarks in all pathways and threats. EPA's conclusion is based on several considerations. First, the addition of benchmarks across all pathways and the use of ARARs for those benchmarks improves linkages with the RI/FS process. That is, the HRS benchmarks will be those used most frequently during RI/FSs, and the additional points provided by equalling or exceeding a benchmark will aid in identifying areas requiring follow-up in the RI/FS. Second, the internal consistency of the HRS is improved by using benchmarks because concentrations measured at or above benchmark levels are treated in a parallel manner across all pathways, allowing more consistent and fuller use of the relatively costly sampling data collected during the SI. Third, the number of hazardous substances for which at least one health-based or ecological-based benchmark is available is increased, allowing for more uniform assessment of sites nationwide.

The benchmark criteria that the Agency has concluded are most appropriate for each pathway and threat are listed below. As discussed above, EPA agrees with comments suggesting that benchmarks also be used in the soil exposure and air migration pathways and has selected criteria for these pathways based upon the kinds of factors discussed above. While EPA believes the criteria for the soil exposure and air migration pathways in the final rule are appropriate, it is open to any comments that members of the public may wish to submit regarding these criteria and specifically solicits such comments at this time. EPA asks that any such comments be submitted on or before (30 days after the date of publication in the Federal Register).

For the final rule, EPA has selected the following types of benchmarks in each pathway and threat, subject to any revisions in the criteria for air and soil exposure that may be made in response to comments. (Benchmarks for radionuclides are discussed in Section III E of this preamble.)

• Benchmarks in the ground water migration pathway and the surface water drinking water threat include MCLs, non-zero MCLGs, screening concentrations (SCs) for non-cancer effects based on RfDs for oral exposures, and SCs for cancer based on slope factors for oral exposures and 10^{-6} individual cancer risk (see Table 3-10). Because SCs based on RfDs and slope factors are used as drinking water benchmarks, MCLGs with a value of 0 have been dropped as HRS benchmarks.

• Benchmarks in the surface water human food chain threat include FDA Action Levels for fish or shellfish, SCs for non-cancer effects based on RfDs for oral exposures, and SCs for cancer based on slope factors for oral exposures and 10^{-6} individual cancer risk (see Table 4-17).

• Benchmarks in the surface water environmental threat include AWQC and Ambient Aquatic Life Advisory Concentrations (AALACs); AALACs will be considered as they become available (see Table 4-22).

• Benchmarks in the soil exposure pathway include SCs for non-cancer effects based on RfDs for oral exposures, and SCs for cancer based on slope factors for oral exposures and 10^{-6} individual cancer risk (see Table 5-3).

• Benchmarks in the air migration pathway include National Ambient Air Quality Standards, National Emission Standards for Hazardous Air Pollutants (NESHAPs) that are expressed in ambient concentration units, SCs for non-cancer effects based on RfDs for inhalation exposures, and SCs for cancer based on slope factors for inhalation exposures and 10^{-6} individual cancer risk (see Table 6-14).

Several commenters suggested technical refinements for deriving health-based benchmarks. Although qualifying information is useful and important and is, in fact, used extensively in the RI/FS process, the benefits of including such information in the HRS must be balanced against its limited scope and purpose as well as the limited data available to determine concentration at the point of exposure. Consequently, in the final rule:

• All health-based benchmarks are set in reference to the major exposure concern for each pathway or threat (e.g., benchmarks in the air migration pathway are set in reference to inhalation only; benchmarks in drinking water, the human food chain threat, and the soil exposure pathway are set in reference to ingestion), except for radionuclides for which external exposure is also considered in the soil exposure pathway;

• All benchmarks are set in reference to uniform exposure assumptions that are consistent with RI/FS procedures (e.g., water consumption is assumed to be two liters per day; body weight is assumed to be 70 kg);

• State water quality standards and other State or local regulations are not included as benchmarks because they would introduce regional variation in the HRS;

• A hierarchy has been developed to provide a single benchmark concentration for each hazardous substance by pathway and threat; and

• Qualitative weight-of-evidence is not used in deriving SCs for carcinogens.

In the NPRM, EPA requested comments on how many tiers (levels) of actual contamination to consider when weighting populations relative to benchmarks (i.e., which of three alternative methods presented should be adopted). EPA received two comments on this issue and three related comments regarding the weighting factors for each level. One commenter supported Alternative 2 (i.e., use of two levels of observed contamination and one level of potential contamination). Another commenter suggested that Level II and Level III concentrations be combined to include the range of contaminant levels above background, but below health-based benchmarks. A third commenter suggested that the weighting factors for each level be reconsidered. A fourth commenter suggested that 1/1000 of a benchmark factor is inappropriate because it is excessively conservative and difficult to detect. The fifth commenter suggested that because Level III represents concentrations with cancer risks below 10^{-7}, populations exposed to Level III concentrations should not be considered in the population category of drinking water threats.

EPA conducted a number of analyses on the subject of benchmark tiers and has dropped Level III contamination. In the final rule, Level I contamination is defined as concentration levels for targets which meet the criteria for actual contamination (see § 2.5 of the final rule) and are at or above media-specific benchmark levels; Level II contamination is defined as concentration levels for targets which either meet the criteria for actual contamination but are less than media-specific benchmarks, or meet the criteria for actual contamination based on direct observation; and potential contamination is defined as targets that are potentially subject to releases (i.e., targets that are not associated with actual contamination for that pathway or threat). These three tiers are used to assign values to both the nearest individual (or well or intake) and the population factors. As a result of EPA's analyses of benchmark issues, the weighting assigned to Level I and Level II contamination has been changed and made consistent across pathways. For example, Level I populations are now multiplied by a factor of 10 in all pathways. As in the proposed rule, potentially contaminated populations and nearest individuals (or wells or intakes) are distance or dilution weighted.

The proposed rule summed the ratios of all hazardous substances to their individual benchmarks as a means of defining the level of actual contamination, and EPA requested comments on the appropriateness of this approach to scoring multiple substances detected in drinking water. Of the 10 comments in response to this proposal, nine strongly opposed the proposed approach, particularly when applied to drinking water standards (i.e., MCLs), MCLGs, and noncarcinogens. One commenter supported the proposed approach.

EPA has decided to retain the summing of ratios of hazardous substances to their individual benchmarks, but in a modified form. The final rule sums measures of carcinogenic and noncarcinogenic effects separately;

concentrations specified in regulatory limits (e.g., NAAQS, MCLs, or FDA Action Levels) are not included in the summing algorithm. EPA recognizes that a more precise estimate of relative risk would be obtained by summing the ratios of hazardous substances to their individual RfD-based concentrations by segregating substances according to major effect, target organ, and mechanism of action. In fact, such a segregation is recommended during the RI/FS. However, health-based benchmarks are used in the HRS to provide a higher weight to populations exposed to hazardous substances at levels that might result in adverse health effects. As a consequence, EPA believes that use of the summed ratios of hazardous substances within pathways and threats to their individual RfD-based benchmark levels is appropriate for the screening purpose of the HRS.

EPA proposed and solicited comments on a range of 10^{-4} to 10^{-7} for individual cancer risk levels of concern in establishing levels of actual contamination with respect to health-based benchmarks. EPA received eight comments concerning this risk range. Four commenters suggested restricting the range to 10^{-4} to 10^{-6}, primarily because this range would be consistent with risk levels identified in the NCP and used by other EPA regulatory programs. Three commenters said the SCs for carcinogens should be the 10^{-6} individual cancer risk level. One commenter stated that 10^{-4} to 10^{-7} generally is the risk range considered for Superfund response. The final rule defines only two levels of actual contamination: significantly above background and equal to or above benchmark, and significantly above background but less than benchmark. When an applicable or relevant and appropriate requirement does not exist for a carcinogen, EPA selects remedies resulting in cumulative risks that fall within a range of 10^{-4} to 10^{-6} incremental individual lifetime cancer risk based on the use of reliable cancer potency information. EPA has selected the 10^{-6} screening risk level in defining the HRS benchmark level for cancer risk because it is the lower end of the cancer risk range (i.e., 10^{-4} to 10^{-6}) identified in the NCP and used by other EPA regulatory programs.

Two commenters objected to assigning releases of substances with no benchmarks to Level II as a default value. One suggested assigning unknowns to Level III because substances that are frequently released or are known or suspected to cause health problems are studied before those that are not. The other objected because "the absence of data is not data."

Because EPA has decided to adopt a benchmark system incorporating only two levels of actual contamination, the default level is Level II. If none of the hazardous substances eligible to be evaluated at a sampling location has an applicable benchmark, but actual contamination has been established, the actual contamination at the location is assigned to Level II.

I. Use Factors

The proposed HRS included factors to assign values to uses of potentially affected resources in the three migration pathways: ground water use (drinking water and other) in the ground water migration pathway, drinking water and other use and fishery use in the surface water migration pathway, and land use in the air migration pathway.

EPA received a number of comments on each of these factors. The commenters raised specific objections to distinctions drawn among various potential uses and to the weights assigned to those uses. For example, for the ground water use factor, some commenters asserted that the HRS should not delineate between private and public water supply contamination. For the surface water use factors, a commenter recommended a range of assigned values for irrigation of commercial food or forage crops because of variations in rates of uptake of hazardous substances. For the land use factor, two commenters urged giving greater consideration to institutional land use because of the sensitive populations that would be exposed.

Partly in response to these comments, and in an effort to simplify the HRS, EPA has substantially revised the method of incorporating resource use information in targets factor categories. The field test indicated that collecting data on each of the use factors involved considerable effort at many sites. In addition, because of weighting factors applied to potentially contaminated populations, at sites with no actual contamination, use factors were contributing more to the targets value than were large populations. As some commenters pointed out, the use factors mixed concerns about human health with concerns about the value of the resource and, therefore, were partially redundant with population factors. To avoid redundancy with human health concerns as evaluated through the population factor, EPA has made major changes in how resource uses are evaluated and scored in the final rule.

In each migration pathway, the use factors have been replaced by a resources factor that assigns values to resources appropriate for the pathway. In addition, a resources factor has been added to the soil exposure pathway. The resources factor for a pathway is assigned a maximum of five points if any of the resource uses for that pathway exists within the target distance limit in the ground water or surface water migration pathway, within one-half mile of a source in the air migration pathway, or within an area of observed contamination in the soil exposure pathway. If none of the uses exists, the factor is assigned a value of 0.

The resources factor in the ground water migration pathway assigns a value of 5 for wells supplying water for irrigation of commercial food or commercial forage crops (five-acre minimum), watering of commercial livestock, as an ingredient in commercial food preparation, or as a supply for commercial aquaculture or for a major or designated water recreation area (excluding drinking water use)—for example, water parks (see § 3.3.3). A value of 5 is also assigned if the water in the aquifer is usable for drinking water, but not used.

The resources factor in the drinking water threat of the surface water migration pathway assigns a value of 5 if the surface water is designated by a State for drinking water use but not used, or is usable but not used for drinking water. In addition, points may be assigned for intakes supplying water for irrigation of commercial food or commercial forage crops (five-acre minimum), watering of commercial livestock, as an ingredient in commercial food preparation, or if the water body is used as a major or designated water recreation area (see § 4.1.2.3.3). The fishery use factor has been deleted to avoid double-counting of fisheries.

In the air migration pathway, the resources factor is assigned a value of 5 if there is commercial agriculture or commercial silviculture, or a major or designated recreation area within a half mile of a source (see § 6.3.3). The distance of one-half mile for the agricultural, silvicultural, and recreational areas was determined by the distance weighting factors for the air migration pathway, which reflect the rapid diminishing of air contaminant concentrations beyond one-half mile from a source. Therefore, resources beyond this distance are not considered in this pathway.

A resources factor has also been added to the resident population threat of the soil exposure pathway. The factor is assigned a value of 5 if there is commercial agriculture, commercial silviculture, or commercial livestock production or grazing on an area of observed contamination at the site.

J. Sensitive Environments

The proposed rule expanded the list of sensitive environments considerably and, for the surface water and air pathways, counted all sensitive environments within the target distance limit, rather than just the one with the highest assigned value; for the soil exposure pathway, only the sensitive environment assigned the highest value was counted. Potentially contaminated sensitive environments were distance/dilution weighted; in the surface water environmental threat, actual contamination of sensitive environments was evaluated on the basis of ecological-based benchmarks.

EPA received relatively few comments on issues related to sensitive environments. However, participants in the field test requested clarification of three categories of sensitive environments involving spawning areas, migratory pathways, and feeding areas critical for the maintenance of a fish species within a river system, coastal embayment, or estuary. In particular, critical migratory pathways and feeding areas were difficult to identify and seemed to provide little discrimination among surface waters in some areas of the country.

EPA has redefined critical spawning areas to include shellfish beds, and has limited the areas to those used for intense or concentrated spawning by a given species. Critical migratory pathways and feeding areas have been combined into a single category and limited to anadromous fish (i.e., fish that ascend from the ocean to spawn), which face special problems in migrating substantial distances between the ocean and their spawning areas. These feeding areas are further restricted to only those areas in which the fish spend extended periods of time. Examples include areas where juveniles of anadromous species feed for prolonged periods (e.g., weeks) as they prepare to migrate from fresh water to the ocean, and holding areas along the adult migratory pathways.

Terrestrial areas used for breeding by large or dense aggregations of vertebrates (e.g., heron rookery, sea lion breeding beach) have been added to the list of sensitive environments to parallel the spawning areas listed for fish species. Water segments designated by a State as not attaining toxic water quality standards have been removed because these environments are already degraded and thus are not analogous to the other sensitive environments listed. Also, the assigned value for State designated areas for protection or maintenance of aquatic life has been changed from 50 points to 5 points (see Table 4–23 in final rule) to be consistent with the points assigned under the resources factor for State designated areas for drinking water use.

In response to public comment, National Monuments have been added to the 100-point category on the list of terrestrial sensitive environments considered under the soil exposure pathway. "State designated natural areas" and "particular areas, relatively small in size, important to the maintenance of unique biotic communities" were also added to the list of terrestrial sensitive environments in response to public comment. These latter two categories were already considered in the air and surface water pathway evaluation of sensitive environments. (See Table 5–5.)

The method for evaluating wetlands has been revised, partially because participants in the field test had difficulty identifying discrete wetlands. Some wetlands were patchy and could be classified as one large or many small wetlands. Other wetlands were divided by rivers or roads, or changed from one type of wetland to another, making it unclear whether more than one wetland should be counted. To eliminate these difficulties, wetlands are now evaluated on the basis of size and level of contamination. In the air migration pathway, wetlands are evaluated based on acreage and level of contamination (see § 6.3.4); in the surface water migration pathway, wetlands are evaluated by linear frontage along the surface water hazardous substance migration path and level of contamination (see § 4.1.4.3.1). Distinguishing among wetlands on the basis of size and level of contamination should improve the discriminating ability of the sensitive environments factor. In the drier portions of the country, where even small wetlands (e.g., prairie potholes) are very important, small wetlands may also qualify as "particular areas, relatively small in size, important to the maintenance of unique biotic communities."

Sensitive environments other than wetlands are not evaluated on the basis of size for several reasons. Most other HRS sensitive environments tend to be less common and less widely distributed nationally than wetlands (e.g., see EPA's 1989 *Field Test of the Proposed Revised HRS*) and, therefore, their numbers and boundaries tend to be easier to identify. In addition, the value of many sensitive environments is independent of size; for example, the size of a critical habitat of an endangered species may vary solely due to the type of species present. Furthermore, potential or actual contamination of even a small portion of many sensitive environments—for example, a wildlife refuge—tends to be viewed as unacceptable.

An ecosystem bioaccumulation potential factor has been added to the waste characteristics factor category of the surface water environmental threat in response to comments that hazardous substances that demonstrate an ability to bind to sediments and/or to bioaccumulate (e.g., PCBs, mercury) tend to pose the greatest long-term threats to aquatic organisms. The accumulation of hazardous substances in the aquatic food chain can result in adverse effects in aquatic species and in other animals that ingest aquatic species (e.g., waterfowl). The ecosystem bioaccumulation potential factor differs slightly from the bioaccumulation potential factor in the human food chain threat, primarily in that all BCF data are considered in deriving it and not just BCF data for human food chain organisms.

The EPA ambient aquatic life advisory concentrations (AALACs) have been added to the data hierarchy used to assign the ecosystem toxicity value (see § 4.1.4.2.1.1). The Natural Heritage Program alternative sensitive environment rating factors have been removed from the rule because of problems that arose during the field tests; field test participants found that the availability of information varied substantially among States. However, a Natural Heritage Program Data Center can assist in identifying many of the sensitive environment types listed in Tables 4–23 and 5–5.

K. Use of Available Data

A number of commenters stated that all available data should be used when scoring a site. Several cited the tiered approach to hazardous waste quantity as a model that could be applied to other factors. Under this method, where data are available, they would be used; where data are not available, defaults or more generalized approaches would be applied. Several commenters specifically suggested using this approach for ground water flow direction and for scoring mining sites. These commenters argued that it would be less expensive and time-consuming to use available data when scoring a site than to wait until the remedial investigation to consider the additional information.

EPA considered modifying the HRS to allow the use of additional data, but determined that further expanding the HRS to account for varying levels of data availability is inconsistent with the HRS's role as an initial screening tool. Adding tiers to various factors to accommodate the use of all available data would make the HRS considerably more difficult to apply and could lead to substantial inconsistencies in how sites are investigated and evaluated. EPA Regions and States would have to determine, for each set of data presented, whether the data quality was good enough for the data to be considered. Debates over decisions on data quality could delay scoring and, ultimately, delay cleanup at sites. Therefore, the Agency believes that the limited use of tiers in the final HRS represents a reasonable tradeoff between the need to limit the complexity of the system and the desire to accommodate risk-related information that is generally outside the scope of a site inspection.

L. Ground Water Migration Pathway

The proposed rule included a number of significant changes in the ground water migration pathway: new hydrogeologic factors were added; populations were distance weighted unless exposed to actual contamination; a maximally exposed individual (MEI) factor was added; the target distance limit was extended; a mobility factor was added and combined with toxicity; and a wellhead protection area factor was added. Figure 5 shows the proposed ground water migration pathway and the final rule pathway.

Ground water flow direction. Neither the original HRS nor the proposed HRS directly considered ground water flow direction in evaluating targets. The proposed HRS indirectly considered ground water flow direction by weighting populations based on actual and potential contamination of drinking water wells.

EPA received 50 letters from 40 commenters on this issue; 27 letters responded to the ANPRM, 21 to the NPRM, and two to the field test report. Commenters included eight States, three Federal agencies, the mining, petroleum, chemical, and cement industries, utilities, and professional engineers. The commenters supported the consideration of ground water flow direction data, at least in some circumstances. Numerous commenters urged the use of ground water flow direction data when they are either available or easily obtained. They suggested several methods to incorporate flow direction, including:

- Considering use of a radial impact area when directional release routes can be determined. Only a half circle with a three-mile radius for the downgradient portion (and a half-mile radius for the rest of the circle) should be considered when scoring;
- Differentiating between upgradient and downgradient areas using topographic maps, evaluating water levels at wells, and noting the presence of major surface water bodies;
- Expending the effort to obtain accurate data and considering selected upgradient locations as a precaution against unanticipated anomalies;
- Excluding drinking water wells where analytical data prove no contamination is present;
- Having a "professional" review available information and conduct a site visit;
- Using available flow direction data and developing regionally based defaults when no data are available;
- Installing piezometers to determine flow direction in the PA/SI phase and when no ground water flow data are available;
- Incorporating ground water flow direction into the "depth to aquifer" and "distance to nearest well/population served" scores; and
- Affording responsible parties the opportunity to determine flow direction.

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Figure 5

Ground Water Migration Pathway

PROPOSED HRS

Likelihood of Release	X	**Waste Characteristics**	X	**Targets**
Observed Release or Potential to Release Containment Net Precipitation Depth to Aquifer/ Hydraulic Conductivity Sorptive Capacity		Toxicity/Mobility Hazardous Waste Quantity		Maximally Exposed Individual Population Ground Water Use Wellhead Protection Area

FINAL HRS

Likelihood of Release	X	**Waste Characteristics**	X	**Targets**
Observed Release or Potential to Release Containment Net Precipitation Depth to Aquifer Travel Time		Toxicity/Mobility Hazardous Waste Quantity		Nearest Well Population Resources Wellhead Protection Area

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Commenters suggested that data on ground water flow are either readily available or can be easily obtained at reasonable cost and are no more imprecise than other aspects of the HRS. Some commenters stated that the level of effort required to estimate the direction of ground water flow is no greater than that required to determine other hydrogeologic parameters in the HRS.

EPA reviewed a range of options for considering ground water flow direction in evaluating targets. For the reasons discussed above under "Use of Available Data," the Agency decided that it was not feasible to adopt a tiered approach in the targets factors for evaluating ground water flow direction. EPA does not agree that increased accuracy warrants the increased complexity of accounting for ground water flow direction, because this level of accuracy is not required for a screening tool that is intended to assess relative risk. This level of accuracy, however, is needed to determine the extent of remedial action and, therefore, is appropriate at the time of the RI.

EPA disagrees with the argument that determining ground water flow direction is no more difficult than determining other ground water factors. Aquifer interconnections and discontinuities as well as hydraulic conductivity and depth to aquifer, which are evaluated in the final rule, are geologic features that are unlikely to change over the short-term. In contrast, ground water flow direction can be influenced by factors such as seasonal flows and pumping from well fields. In addition, the ground water flow direction may be different in each aquifer at the site, and the direction of hazardous substance migration is not always the same as the direction of ground water flow. Therefore, data on ground water flow direction would need to be considerably more extensive than would the data required to document the other hydrogeologic factors. EPA notes that in the final rule, many of the other hydrogeologic factors considered have been simplified and the sorptive capacity factor has been dropped. EPA also notes that ground water flow direction was not identified in SARA as a portion of the HRS requiring further examination, even though ground water flow direction was not considered in the original HRS and the Agency had received criticism similar to the above comments prior to enactment of SARA.

Although the final rule does not consider ground water flow direction directly in evaluating targets, it does consider flow direction indirectly in the method used to evaluate target populations. If wells have not been contaminated by the site, as the commenters assume upgradient wells would not be, the population drawing from those wells is distance weighted and, thus, populations drawing from the wells would have to be substantial before a large number of points could be assigned. Moreover, in addition to providing a measure of the population at risk from the site, the target factors afford a measure of the value of the ground water resources in the area of the site and of the potential need for expanded uses of the ground water.

Aquifer interconnections. Aquifer interconnections facilitate the transfer of ground water or hazardous substances between aquifers. The final rule specifies that if aquifer interconnections occur within two miles of the sources at the site (or within areas of observed ground water contamination attributed to sources at the site that extend beyond two miles from the sources), the interconnected aquifers are treated as a single aquifer for the purposes of scoring the site. Thus, for example, when an observed release to a shallow aquifer has been identified, targets using deeper aquifers interconnected to the shallow aquifer are included in the evaluation of the combined aquifer. This approach is common to the original as well as the revised HRS.

In practice, EPA has found that studies in the field to determine whether aquifers are interconnected in the vicinity of a site will generally require resources more consistent with remedial investigations than SIs, especially where installation of deep wells is necessary to conduct aquifer testing. Thus, EPA has in the past relied largely on existing information to make such determinations and the Agency finds it necessary to continue that approach. Examples of the types of information useful in identifying aquifer interconnections were given in the proposed rule. This information includes literature or well logs indicating that no lower relative hydraulic conductivity layer or confining layer separates the aquifers being assessed (e.g., presence of a layer with a hydraulic conductivity lower by two or more orders of magnitude); literature or well logs indicating that a lower relative hydraulic conductivity layer or confining layer separating the aquifers is not continuous through the two-mile radius (i.e., hydrogeologic interconnections between the aquifers are identified); evidence that withdrawals of water from one aquifer (e.g., pumping tests, aquifer tests, well tests) affect water levels in another aquifer; and observed migration of any constituents from one aquifer to another within two miles. For this last type of information, the mechanism of vertical migration does not have to be defined, and the constituents do not have to be attributable to the site being evaluated. Other mechanisms that can cause interconnection (e.g., boreholes, mining activities, faults, etc.) will also be considered. While the descriptive text has been removed from the rule, the approaches mentioned in the proposed rule will be used in making aquifer interconnection determinations. In general, EPA will base such determinations on the best information available; in the absence of definitive studies and where costs of field studies are prohibitive, the Agency will rely on expert opinion (e.g., U.S. Geological Survey staff or State geologists). In the absence of such information, EPA assumes that aquifers are not interconnected.

Ground water potential to release factors. EPA proposed replacing the depth to the aquifer of concern and permeability factors of the original HRS with depth to aquifer/hydraulic conductivity and sorptive capacity factors. EPA received more than 75 comments on these factors, in addition to general comments on evaluating ground water potential to release in response to the ANPRM.

Several commenters supported consideration of depth to aquifer in evaluating the ground water migration pathway. One commenter stated that use of a depth to aquifer/hydraulic conductivity matrix, which was intended to reflect travel time to ground water, was an improvement over considering these two parameters individually and additively. Concerns were raised, however, about how to determine depth to aquifer. In addition, commenters stated that the two-mile radius for evaluating hydrogeologic factors should be extended to four miles, while others commented that the distance should be measured from vertical points as near to the source as possible.

Commenters generally supported the proposal to include hydraulic conductivity, although many believed that the proposed method was too complicated; several commenters suggested that the single least conductive layer(s) should be used. Another concern was the lack of data for determining hydraulic conductivity. One commenter stated that unless data can confirm that the geologic strata extend throughout the entire area of a site, assigning a hydraulic conductivity value is highly questionable.

Some commenters offered alternative approaches to evaluating hydraulic conductivity. These included replacing the proposed method with:

- Assigned "confidence levels" tied to professional estimates based on regional data and judgment;
- Consideration of actual travel time in the unsaturated zone; or
- An assumption of maximum hydraulic conductivity among the various geological layers below the site.

More than 20 comments were received on the sorptive capacity factor, but there was little consensus among the commenters. A number of commenters agreed that the factor should be added, but stated that the approach was not detailed enough and that more waste- and site-specific information should be required. Other commenters agreed that the factor was an improvement, but said that sorptive capacity should be dropped because the waste- and site-specific information needed for an accurate evaluation cannot be collected during a screening process. Others said that it was too complex as proposed and should be dropped.

Based on these comments and the field test results, EPA examined the depth to aquifer/hydraulic conductivity and sorptive capacity factors. The examination showed that the lowest hydraulic conductivity layer(s) accounted for almost all of the travel time to the aquifer if a one-foot or three-foot minimum layer thickness was used. Accordingly, in the final rule, the depth to aquifer/hydraulic conductivity factor has been replaced with a simpler factor, travel time, which is determined using a matrix of the hydraulic conductivity and thickness of the lowest hydraulic conductivity layer(s) with at least a three-foot thickness. (See § 3.1.2.4 and Table 3-7 of the final rule.)

To conform with the change limiting the travel time factor to the least conductive layer(s), and to meet the goal of simplification, a change to the sorptive capacity factor was necessary. The proposed rule evaluated this factor using all layers between the source and the aquifer. In reexamining this factor, EPA concluded that depth to aquifer is one of the major parameters affecting total sorbent content, at least within the HRS ranges for the factor. Depth to aquifer also indirectly reflects geochemical retardation mechanisms because, all else being equal, the effect of these retardation mechanisms increases as the depth to aquifer increases. At the field test sites, using only the layer(s) of lowest hydraulic conductivity decreased the calculated sorbent content between 10 and 99 percent. For these reasons, EPA has decided to replace the sorptive capacity factor with a depth to aquifer factor. (See § 3.1.2.3 and Table 3-5 of the final rule).

M. Surface Water Migration Pathway

The proposed rule made major changes to the evaluation of releases or threatened releases to surface water. The pathway was divided into four threats: drinking water, human food chain, recreational use, and environmental. Other changes included consideration of flood potential; revision of potential overland flow; addition of dilution weights for potentially contaminated populations; extension of the target distance limit to 15 miles; revision of the persistence factor to consider more degradation mechanisms; addition of a bioaccumulation factor for evaluation of human food chain toxicity/persistence and populations; addition of ecosystem toxicity to evaluate the environmental threat; and addition of a maximally exposed individual factor (MEI) factor to the drinking water threat. Figure 8 shows the proposed rule and the overland flow/flood migration component of the surface water migration pathway in the final rule.

Recreational use threat. SARA stated that the HRS should consider threats to surface water used for recreation and drinking water, and the proposed HRS included a recreational use threat in the surface water migration pathway. A number of States, several companies and trade associations, and two Federal agencies identified problems with the proposed recreational use threat. Some commenters objected to weighting it as heavily as the drinking water threat, while others suggested that evaluating the threat was too complicated for use in a screening tool. Many commenters said that proposed methods for assigning values to recreation areas were too broadly drawn and that a limited number of recreation areas should be considered. Two commenters suggested using actual attendance data, and one commenter suggested that recreational uses be considered in other pathways as well.

EPA's field test indicated that the recreational use threat evaluation was too complex for HRS purposes and, at the same time, was not very accurate. Several field test participants commented that the recreation target population was difficult to evaluate and that the approach for determining population was inaccurate and time-consuming. In addition, the population factor did not provide meaningful discrimination among sites. The proposed rule used the physical characteristics (e.g., capital improvements) of a recreational site as the basis for determining the distance limit used to evaluate population, but because major and minor sites may have the same types of capital improvements (e.g., boat ramps, picnic facilities), the same distance limit could be associated with a minor recreation area and a major recreation area. The alternative approach would be to require actual use data to evaluate targets; however, site-specific population data are not available for many recreation areas, making it difficult to obtain accurate estimates of the population at risk. The target distance limits, which ranged from 10 to 125 miles, also contributed to the problems with evaluating targets. The Agency invited comments on refining these calculations; no alternative approaches were suggested, and EPA did not identify viable alternatives.

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Figure 6

Surface Water Migration Pathway

PROPOSED HRS

Likelihood of Release X

Observed Release
or
Potential to Release

By Overland Flow
Containment
Runoff
Distance to Surface Water
By Flood
Containment
Flood Frequency

Drinking Water Threat

Waste Characteristics	X	Targets
Toxicity/Persistence Hazardous Waste Quantity		Maximally Exposed Individual Population Surface Water Use

+

Human Food Chain Threat

Waste Characteristics	X	Targets
Toxicity/Persistence/ Bioaccumulation Hazardous Waste Quantity		Population Fishery Use

+

Recreational Use Threat

Waste Characteristics	X	Targets
Toxicity/Persistence/Dose Adjusting Factor Hazardous Waste Quantity		Population

+

Environmental Threat

Waste Characterisitics	X	Targets
Ecosystem Toxicity/ Persistence Hazardous Waste Quantity		Sensitive Environments

Figure 6

Surface Water Migration Pathway - Overland Flow/Flood Component

FINAL HRS

Likelihood of Release X **Drinking Water Threat**

Observed Release
or
Potential to Release

By Overland Flow
- Containment
- Runoff
- Distance to Surface Water

By Flood
- Containment
- Flood Frequency

Drinking Water Threat

Waste Characteristics	X	**Targets**
Toxicity/Persistence		Nearest Intake
Hazardous Waste Quantity		Population
		Resources

+

Human Food Chain Threat

Waste Characteristics	X	**Targets**
Toxicity/Persistence/ Bioaccumulation		Food Chain Individual
Hazardous Waste Quantity		Population

+

Environmental Threat

Waste Characteristics	X	**Targets**
Ecosystem Toxicity/ Persistence/Bioaccumulation		Sensitive Environments
Hazardous Waste Quantity		

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EPA is also concerned that many qualities of recreation areas (e.g., uniqueness, attractiveness, value) cannot be readily quantified or measured, which poses significant problems for a screening tool. Therefore, the recreational use threat has been removed from the final rule. Instead, factors related to recreational use are being included in the assessment of resource factors in the air, surface water, and ground water migration pathways. (See the discussion of resources factors above and §§ 3.3.3, 4.1.2.3.3, 4.2.2.3.3, and 6.3.3 of the rule.) Recreational use is also a major component of the evaluation of the attractiveness/accessibility factor in the soil exposure pathway (see § 5.2.1.1 of the rule).

Human food chain. SARA requires that EPA consider "the damage to natural resources which may affect the human food chain * * *" Accordingly, the surface water migration pathway of the proposed rule included evaluation of threats to human health via the aquatic food chain.

A number of commenters suggested that terrestrial food chain threats should also be evaluated because most of the food eaten in the United States originates on land, and the terrestrial human food chain is, therefore, more important than the aquatic human food chain. Commenters specifically stated that the HRS should account for human food chain threats involving irrigated crops, livestock, and game animals. One commenter stated that the SARA mandate would not be fulfilled if only aquatic human food chain threats were evaluated.

After conducting an investigation into possible methods, EPA determined that it would not be practical to include a separate evaluation of terrestrial human food chain threats in the HRS. The terrestrial food chain is more complex and site-specific and is less understood than the aquatic food chain, and its assessment requires considerably more data. These factors render evaluation of the relative risks associated with the terrestrial human food chain well beyond the capability of a screening system such as the HRS. The final rule, therefore, does not separately evaluate terrestrial human food chain threats. These threats are, however, considered indirectly under the resources target components in the air migration pathway, ground water migration pathway, soil exposure pathway, and drinking water threat portion of the surface water migration pathway.

The proposed rule required the estimation of bioaccumulation potentials for hazardous substances posing threats via the human food chain. One commenter stated that the estimation of bioaccumulation potentials requires excessive time and resources, and that this step should be dropped from the HRS.

EPA disagrees and considers the bioaccumulation potentials of hazardous substances to be among the most important factors determining the degree of human health threat posed by substances via the human food chain. Substances that do not bioaccumulate pose less of a threat via the human food chain than substances that bioaccumulate, all else being equal. Conversely, substances with high bioaccumulation potentials can pose very significant threats via the human food chain even if they are only moderately toxic, or are present in modest quantities. EPA believes that compiling bioaccumulation potential tables will reduce the effort and resources required to score this factor.

EPA received several comments stating that bioaccumulation potential was not given sufficient weight in the evaluation of human food chain threats. EPA evaluated the use of bioaccumulation potential during the field test and determined that there was considerable uncertainty related to this factor, in part because of major differences in uptake associated with different species in different environments. In addition, bioconcentration values have been computed for only a few species for most substances. In light of this uncertainty, EPA decided that bioaccumulation potential should not be given additional weight in the HRS. In addition, as part of the structural changes discussed in Section III B, the bioaccumulation potential factor was moved from the targets factor category to the waste characteristics factor category so that it is evaluated consistently with the other waste characteristics factors that reflect exposure. As part of these changes, the use of the bioaccumulation potential factor in selecting the substance posing the greatest hazard also has been modified.

The final rule broadens the definition of actual contamination of the human food chain by modifying one criterion and adding a new criterion defining actual contamination. The proposed rule defined a fishery as actually contaminated if (1) the fishery was closed as a result of contamination and a substance for which the fishery was closed had been documented in an observed release from the site, or (2) a tissue sample from a human food chain organism from the fishery was found to contain a hazardous substance at a concentration level exceeding the FDAAL for that substance in fish tissue and the substance had been documented in an observed release from the site. In both cases, at least a portion of the fishery must be within the boundaries of the observed release.

Under the final rule, the former criterion (closed fishery) remains essentially unchanged. The latter criterion (tissue contamination) has been modified: A fishery is considered actually contaminated if the concentration of a hazardous substance in tissue of an essentially sessile benthic human food chain organism from the watershed is at a level that meets the criteria for an observed release from the site and at least a portion of the fishery is within the boundaries of the observed release. A new criterion has also been added: A fishery is considered actually contaminated if a hazardous substance having a bioaccumulation potential factor value of 500 or greater either is present in an observed release established by direct observation or is present in a surface water or sediment sample at a level that meets the criteria for an observed release from the site and at least a portion of the fishery is within the boundaries of the observed release. Only the portion of a fishery within the boundaries of an observed release is considered actually contaminated.

EPA broadened the definition of actually contaminated fisheries on the basis of field test results. With the more narrow definition in the proposed rule, few actually contaminated fisheries were identified because:

(1) Closed fisheries did not exist at most sites;

(2) Hazardous substance concentration data from tissues of applicable organisms were available for only a small portion of fisheries; and

(3) FDAALs exist for only a relatively small number of hazardous substances.

The final rule also introduces two levels of actually contaminated fisheries or portions of fisheries:

- Level I: Applicable when concentrations of site-related hazardous substances meeting the criteria for actual contamination of the fishery equal or exceed the benchmark concentration levels established in the final rule based on FDAALs, screening concentrations corresponding to elevated cancer risks, and screening concentrations corresponding to elevated chronic, non-cancer toxicity risks via oral exposures. The final rule allows Level I contamination to be established based on hazardous substance concentrations in tissue samples from "organisms other than essentially sessile benthic organisms" (e.g., fish; lobsters, crabs), even though these organisms cannot be used to establish observed releases or actual contamination.

• Level II: Applicable to all actually contaminated fisheries (or portions of actually contaminated fisheries) not meeting Level I criteria.

The final rule assigns human food chain populations associated with Level I concentrations tenfold greater weight than those associated with Level II concentrations. The final rule also describes the procedures for determining, where applicable, the part of a fishery subject to Level I concentrations, the part subject to Level II concentrations, and/or the part subject to potential contamination.

EPA received several comments suggesting that, to be consistent with the other threats, a maximally exposed individual factor should be incorporated into the human food chain threat. The Agency agrees, and to provide this consistency the final rule incorporates a maximally exposed individual factor (the food chain individual) into the human food chain targets factor category. As with similar factors in other pathways and threats, the food chain individual is assigned points according to the level of contamination. Where actual contamination of a fishery is documented, the food chain individual factor is assigned 50 points for Level I and 45 points for Level II concentrations. Where no actual contamination of a fishery is documented, but there is documentation of an observed release of a hazardous substance having a bioaccumulation potential factor value of 500 or greater to a watershed containing a fishery within the target distance limit, the food chain individual is assigned a value of 20 points. Where there are no observed releases to surface water or no observed release of a hazardous substance with a bioaccumulation potential factor value of 500 or greater, but a fishery is present (i.e., there is a potentially contaminated fishery) within the target distance limit, the food chain individual is assigned points ranging from 0 to 20, depending on the dilution weight assigned to the associated surface water body.

The proposed rule estimated human food chain production of actually contaminated or potentially contaminated fisheries based on harvest data or stocking data for those fisheries, if available. Where such data were not available, production estimates were based on productivity of the surface water body or the estimated standing crop of aquatic biota in the fisheries. The proposed rule included a table of standing crop default values for estimating human food chain production of the fishery.

EPA received numerous comments to the effect that the standing crop default table was difficult to use, provided several different values for some water bodies and none for others, and provided unreliable data. Several commenters stated that standing crop values are not an appropriate basis for estimating aquatic human food chain production. One commenter pointed out that standing crop estimates do not correlate well with harvest for various water body types. Another commenter stated that estimates of harvest from fish and game officials are preferable to standing crop default values because standing crop is a measure of biomass (weight of all edible living organisms in the water body) rather than productivity.

EPA agrees with the commenters. In the final rule, estimates of fishery human food chain production are based on fish harvest data (including stocking data) as opposed to standing crop data. When site-specific data are not available, harvest rates are to be estimated based on the average harvest per unit area for the particular water body type under assessment and the geographic area in which the water body is located.

Ground water discharge to surface water. A number of commenters and field test participants suggested that the HRS should consider the potential impact of ground water discharges to surface water because contaminated ground water can be a significant source of surface water contamination. Field test participants noted that some sites have no overland flow route, but surface water can be contaminated through ground water discharges.

EPA agrees and has added a ground water to surface water migration component to the surface water migration pathway. Figure 7 shows the structure of this component. The surface water migration pathway, therefore, now includes two components: The overland flow/flood migration component, which retains the structure of the surface water migration pathway as proposed (except for the changes discussed in this preamble), and the new ground water to surface water migration component. Either or both components may be scored; if both are scored, the surface water migration pathway score is the higher of the two scores. EPA selected the higher of the two scores rather than combining them because, if scores were combined, the amount of hazardous substances at the site available to migrate via each component would have to be apportioned between the two components. The site-specific data needed to determine the appropriate apportionment are rarely available.

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Figure 7

Surface Water Migration Pathway - Ground Water to Surface Water Component[1]

FINAL HRS

Likelihood of Release X **Drinking Water Threat**

Observed Release
or
Potential to Release
Containment
Net Precipitation
Depth to Aquifer
Travel Time

Waste Characteristics X	**Targets**
Toxicity/Mobility/Persistence	Nearest Intake
Hazardous Waste Quantity	Population
	Resources

+

Human Food Chain Threat

Waste Characteristics X	**Targets**
Toxicity/Mobility/Persistence/ Bioaccumulation	Food Chain Individual
Hazardous Waste Quantity	Population

+

Environmental Threat

Waste Characteristics X	**Targets**
Ecosystem Toxicity/Mobility/ Persistence/Bioaccumulation	Sensitive Environments
Hazardous Waste Quantity	

[1] New component.

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The ground water to surface water migration component evaluates three threats: drinking water, human food chain, and environmental. The component is scored only if: (1) A portion of the surface water is within one mile of any source at the site that could release to ground water; (2) there is no discontinuity in the uppermost aquifer between the source and the portion of the surface water within one mile of the source; and (3) the bottom of the surface water is at or below the top of the aquifer. The target distance limit for the component is determined the same way as for the overland flow/flood component. For each threat, likelihood of release is based on either observed release or potential to release. An observed release is established if, and only if, there is an observed release to the uppermost aquifer, while potential to release is based on ground water potential to release factors, except that only the uppermost aquifer is considered. (See § 4.2.2.1.2.)

The hazardous waste quantity factor is scored in the same way it is scored for the overland flow/flood migration component, except that only sources that could release to ground water are considered (see § 4.2.2.2.2). Toxicity, ground water mobility, and surface water persistence are considered in selecting the substance potentially posing the greatest hazard in drinking water (see § 4.2.2.2.1). By considering ground water mobility, the final rule reflects the fraction of a hazardous substance expected to be released from the sources and to migrate through ground water to the surface water body. For human food chain and environmental threats, bioaccumulation (or ecosystem bioaccumulation) potential is also considered in selecting the substance potentially posing the greatest hazard (see § 4.2.3.2.1).

The targets factors in this component are evaluated in the same way as targets factors in the overland flow/flood migration component, except that a dilution-weight adjustment is combined with the surface water dilution weights for populations potentially exposed to contamination. The dilution-weight adjustment was added because the HRS assumes that hazardous substances migrate via ground water in all directions from a site. Under this assumption, except in those instances where the surface water body completely surrounds the site, only a portion of the hazardous substances can be assumed to reach the surface water through the ground water. The dilution-weight adjustment accounts for the portion of the hazardous substances assumed to be available to migrate to surface water through ground water. The probable point of entry is defined as the shortest straight-line distance, within the aquifer boundaries, from the sources at the site to the surface water body. Therefore, the actual targets considered may differ somewhat from targets evaluated in the overland flow/flood migration component because the two probable points of entry may differ. This approach might allow evaluation of intakes, fisheries, and sensitive environments that may be exposed to contamination from a site but are upstream from the point of overland flow entry.

N. Soil Exposure Pathway

The onsite exposure pathway, which was added to the HRS in the proposed rule, has been renamed the soil exposure pathway in the final rule. The pathway was primarily designed to assess the potential threats posed by direct exposure to wastes and contaminated surficial materials at a site. It evaluated two threats—the resident population and the nearby population. In the proposed rule, the resident population threat included three types of targets: High risk population on a property with observed contamination, all other residents and people attending school or day care on a property with observed contamination, and terrestrial sensitive environments in which there is observed contamination. The nearby population was based on people who live or attend school within a one-mile travel distance and who did not meet the criteria for resident population. Figure 8 summarizes the proposed and final rules.

A number of commenters supported the inclusion of the pathway, but raised issues related to its evaluation. For example, commenters objected to evaluating the waste characteristics factor category solely on toxicity. Three commenters objected to limiting the high risk population to children under seven. Other commenters stated that collecting data on the high risk population would be difficult. A number of commenters questioned how the onsite area and area of contamination would be defined and how accessibility of the site was evaluated.

In response to these comments and to the field test results, EPA has made a number of changes to the soil exposure pathway. The name of the pathway has been changed to be more consistent with terminology used in the Superfund human health evaluation process.

As suggested by commenters, the final rule limits the area within which human targets are evaluated for the resident population threat to locations within property boundaries and within a distance limit of 200 feet from an area of observed contamination. The 200-foot limit accounts for those situations where the property boundary is very large, and exposure to contaminated surficial materials is unlikely or infrequent because of the distance of residences, schools, or work places from an area of observed contamination on the same property.

To make the pathway consistent with the other pathways and in response to comments, the final rule includes hazardous waste quantity in the waste characteristics factor category and multiplies it by the factor value for toxicity. New factors, resident individual and nearby individual, have been added to make the pathway consistent with the other pathways, all of which assign values for the maximally exposed individual (e.g., nearest individual or intake). Population is evaluated using two levels of actual contamination based on health-based benchmarks. Separate consideration of the high risk population (children under seven) has been eliminated because the field test indicated that this factor could greatly add to the time and expense of scoring a site yet resulted in little discrimination among sites. This change also makes the soil exposure pathway more consistent with the other pathways.

In the nearby population threat, the hazardous waste quantity factor in the likelihood of exposure factor category has been renamed "area of contamination" to reflect both the intent of the factor and how it is evaluated. The accessibility/frequency of use factor has been revised and renamed the "attractiveness/accessibility" factor. The revised factor emphasizes recreational uses of areas of observed contamination because they are most likely to result in exposures to contaminated surficial materials. In addition, the weighting of the nearby population relative to the resident population has been reduced to better reflect the relative levels of exposure for those threats.

A number of commenters questioned whether workers should be counted when evaluating target populations in the soil exposure pathway. One commenter suggested that soil exposure scoring should "not include activities at facilities that presently are regulated under the Occupational Safety and Health Administration (OSHA)." Other commenters, however, stated that workers should be counted in the target population. One commenter argued that not counting a facility's work force is inconsistent with other population counting techniques. Another commenter said that workers should be included in the resident population because the proposed method of calculating soil exposure pathway scores can result in inappropriately low scores when onsite workers are exposed to wastes or contaminated soil.

In response to these comments, the Agency investigated statutory, regulatory, and policy conditions that might restrict the inclusion of workers in the target population for the soil exposure pathway. This analysis found no broad statutory or regulatory authority for excluding workers covered by OSHA regulations from consideration as targets in the HRS. Although the definition of a release under CERCLA section 101(22) excludes "any release which results in exposure to persons solely within a workplace * * *" it only does so for purposes of claims by workers who are already covered by State worker compensation laws. The legislative history of section 101(22) specifically anticipated that authority under CERCLA might, in appropriate cases, be used to respond to releases within a workplace. Thus, the Agency concludes that there are no broad statutory or regulatory restrictions against consideration of activities at OSHA-regulated facilities.

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Soil Exposure Pathway

PROPOSED HRS

Resident Population Threat

Likelihood of Exposure	X	Waste Characteristics	X	Targets
Observed Contamination		Toxicity		High Risk Population Total Resident Population Terrestrial Sensitive Environments

+

Nearby Population Threat

Likelihood of Exposure	X	Waste Characteristics	X	Targets
Waste Quantity Accessibility/Frequency of Use		Toxicity		Population Within 1 Mile

FINAL HRS

Resident Population Threat

Likelihood of Exposure	X	Waste Characteristics	X	Targets
Observed Contamination		Toxicity Hazardous Waste Quantity		Resident Individual Resident Population Workers Resources Terrestrial Sensitive Environments

+

Nearby Population Threat

Likelihood of Exposure	X	Waste Characteristics	X	Targets
Attractiveness/Accessibility Area of Contamination		Toxicity Hazardous Waste Quantity		Population Within 1 Mile Nearby Individual

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The soil exposure pathway is designed to account for exposures and health risks resulting from ingestion of contaminated surficial materials. Because ingestion exposures are comparable for some types of workers and residents, the Agency has decided to include workers in the resident population threat. However, substantial variability in the kinds of workers and work activities at sites (e.g., indoor and outdoor) leads to considerable variability in exposure potential. The Agency believes that determining specific categories or types of workers is beyond the scope of HRS data collection. Thus, workers are assigned target points on a prorated basis: 5 points are assigned for sites with up to 100 workers; 10 points for sites with 101 to 1,000 workers, and 15 points for greater than 1,000 workers. Prorating workers will reduce the data collection effort. Evaluation of workers is not affected by health-based benchmarks. (See § 5.1.3.3.) Nearby workers are not counted in the nearby population because the Agency considers it unlikely that workers from nearby workplaces would regularly visit contaminated areas outside the property boundary of their workplace during the workday, and because there is no way to estimate accurately the number of workers who might.

O. Air Migration Pathway

The proposed rule made several significant changes to the air migration pathway in the original HRS. In response to the SARA mandate to consider potential as well as actual releases to air, the proposed rule included an evaluation of the potential to release. The proposed rule also added a mobility factor to the waste characteristics factor category and an MEI factor to the targets category. Finally, the proposed rule added explicit distance weighting factors for evaluating all factors in the targets category. Figure 9 shows the proposed air migration pathway and the final rule pathway.

The public provided numerous comments on these changes and raised new issues as well. The most significant new issue concerned the structural inconsistency in the treatment of gases and particulates in the proposed air migration pathway. For example, commenters observed that in the potential to release evaluation, it was possible to assign a high containment value to a source with good gas containment and poor particulate containment while assigning high source type and mobility values based on the presence of gaseous hazardous substances. This combination would yield an inappropriately high potential to release value. This concern was also noted in discussions with field test personnel.

The Agency agrees with these commenters and investigated methods to better reflect the differences between gases and particulates. As a result of these analyses, EPA has made several changes to the final rule in both the likelihood of release and waste characteristics factor categories.

In the likelihood of release factor category, the final rule evaluates source potential to release separately for gases and particulates. Only those sources containing gaseous hazardous substances are evaluated for gas potential to release, and only those sources containing hazardous substances that can be released as particulates are evaluated for particulate potential to release. This change in potential to release structure necessitated other changes in the scoring of potential to release including development of separate gas and particulate source type factors and migration potential factors. The names of these latter factors were also changed to highlight the differences between potential to release "mobility" and waste characteristics "mobility." (See §§ 6.1.2.1.3, 6.1.2.2.3.)

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Figure 9

Air Migration Pathway

PROPOSED HRS

Likelihood of Release	X	Waste Characteristics	X	Targets
Observed Release or Potential to Release Source Containment Source Type Source Mobility		Toxicity/Mobility Hazardous Waste Quantity		Maximally Exposed Individual Population Land Use Sensitive Environments

FINAL HRS

Likelihood of Release	X	Waste Characteristics	X	Targets
Observed Release or Potential to Release Gas Gas Containment Gas Source Type Gas Migration Potential Particulate Particulate Containment Particulate Source Type Particulate Migration Potential		Toxicity/Mobility Hazardous Waste Quantity		Nearest Individual Population Resources Sensitive Environments

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In addition to these changes in the basic structure of the potential to release factors, the final rule includes several additional changes in the source type list, migration potential factors, and containment factors. Based on the experience gained in the field test, EPA added several source types to the source type list. Some of these additions (e.g., surface impoundment (not buried/backfilled): dry) simply clarify classifications that were implied in the proposed source type list. Other additions, such as source types involving biogas release, were considered early in the development of the proposed HRS but were not included originally in the interest of simplicity. Field test experience, however, indicated that their inclusion in the final rule was necessary. Finally, new distinctions within some source types (e.g., the various types of piles) were added partly in response to comments and partly as a result of field test experience. As applicable, source type values were also revised. (See §§ 6.1.2.1.2, 6.1.2.2.2 and Table 6–4.)

The revised gas and particulate migration potential factors are very similar to the proposed likelihood of release gas and particulate mobility factors. Several commentors questioned the need for including dry relative soil volatility in the final gas migration factor. A simplification analysis indicated that dry relative soil volatility was redundant, as it was almost completely determined by vapor pressure. Hence, the final gas migration potential factor includes only vapor pressure and Henry's law constant. The particulate migration potential factor in the final rule is simply the particulate component of the proposed potential to release mobility factor.

The containment factors were also changed as a result of the field test, a review of recent information on covering systems, the examination of air release rate models, and the public comments on the need for simplicity in the final rule. The final list of containment descriptions eliminated many redundant descriptions and changed others, retaining only those distinctions that are necessary based on type of source. (See §§ 6.1.2.1.1, 6.1.2.2.1 and Tables 6–3, 6–9.) As discussed in Section III F above, two new mobility factors were developed for the waste characteristics factor category.

Commenters generally supported the concept of distance weighting target factors. However, several disagreed with the approach used to develop the proposed factor values. Some commenters suggested basing the factor values on long-term meteorology and the size of the site, while others suggested that additional atmospheric phenomena (e.g., particulate deposition) be reflected in the final values. As a result of these comments, EPA has revised the distance weighting factors used in the final rule to reflect long-term atmospheric phenomena. Analyses indicated that particulate deposition and other similar phenomena as well as site size were not sufficiently significant within four miles of a site to warrant their inclusion in the final factor values. EPA also notes that the distance weighting factor values are now incorporated in the population factor value table. (See § 6.3.2.4 and Table 6–17.)

P. Large Volume Wastes

Mining waste sites. A number of commenters representing mining companies, trade associations, and State and Federal agencies commented on how the proposed HRS would score mining waste sites; commenters representing waste management facilities raised similar issues in regard to their sites. This section summarizes and addresses the major issues addressed by these commenters.

Commenters raised several concerns regarding the appropriate consideration of background levels of metals in documenting direct or indirect releases from mining waste sites. One commenter recommended that in determining direct releases from a mining waste site, EPA should consider the natural characteristics of the site prior to mining and the changes in migration rates resulting from mining. The commenter explained that the concentration of metals in a mining waste pile may be similar to or less than natural concentrations in soil or rocks below and adjacent to the pile. To document indirect releases, the commenter suggested that EPA require collection of detailed information on site geology and hydrological gradients to ensure proper consideration of background levels. Finally, the commenter asserted that although it is appropriate to weight observed releases more heavily than potential releases at sites with synthetic organic hazardous substances, the criteria used to define observed release are not valid at sites with natural sources of metals. Another commenter agreed and suggested that because of background levels of inorganic elements, the proposed HRS could identify as an observed release concentrations unrelated to mining activities.

EPA recognizes that natural background concentrations of metals in soil or rocks can affect the measured concentration necessary to establish an observed release at a mining waste site. This consideration is reflected in the requirement that concentrations significantly above background be shown to establish an observed release. Moreover, EPA has clarified the observed release criteria in the final rule to explain that they specify minimum differences necessary to establish an observed release by chemical analysis.

Several commenters questioned the treatment of metals in the ground water mobility factor. One commenter stated that the proposed HRS is biased against mining waste sites because it gives greater consideration to the accurate assessment of the mobility of organic substances than to that of naturally occurring metals. The commenter noted that the proposed persistence factor for the surface water migration pathway accounts for the degradation of hazardous substances in the environment through four processes. None of these processes, according to the commenter, applies to metallic elements, which received a default value of 3 (the highest possible score for persistence). Another commenter stated that decreased mobility was considered only for organic compounds, even though inorganic compounds are immobile in some situations.

One commenter stated that adding a metals mobility factor, as EPA's Science Advisory Board (SAB) recommended, would allow the HRS to reflect more accurately the potential for metallic elements to migrate in the aqueous phase. Two commenters were concerned that metals would be assigned a "worst-case" default value for mobility. On the other hand, another commenter stated that consideration of the mobility of metals in the revised HRS would at least partially rectify the bias in the current HRS against high-volume, low-concentration mining wastes.

A number of these commenters appear to have misunderstood the proposed rule. Metals were not automatically assigned the maximum value as a default in the ground water mobility factor, but rather were assigned values based on their coefficient of aqueous migration. The final rule automatically assigns the maximum value for mobility only to metals establishing an observed release by chemical analysis, which is the same way organics and nonmetallic inorganics are evaluated. For metals and metal compounds not establishing an observed release by chemical analysis, mobility is based on water solubility and distribution coefficient (K_d), the same as for organics and nonmetallic inorganics. If none of the hazardous substances (including metals, organics, and nonmetallic inorganics) eligible to be evaluated for the site can be assigned a mobility factor value based on available data, § 3.2.1.2 of the final rule assigns a mobility factor value of 0.002 for all of the hazardous substances. This value was selected based on a review of the range of mobility factor values assigned to those hazardous substances (including metals) for which data were available for assigning mobility factor values. The value of 0.002 is clearly not a worst-case default (which would be 1.0).

EPA believes that the persistence factor is not biased against metals. Elemental metals do not degrade and, therefore, should receive higher scores for persistence than other substances subject to degradation processes.

One commenter claimed that the soil exposure pathway is likely to bias the HRS scores of mining waste sites toward higher values because such sites contain large volumes of waste covering large surface areas, and because of geographic factors, these large areas are seldom secured against direct public access. In addition, according to the commenter, the public may be attracted to mining waste sites. The commenter suggested that the soil exposure pathway incorrectly assumes there is an exposure because there is access to mining waste sites.

EPA does not agree that the soil exposure pathway is biased against mining waste sites. The pathway evaluates exposures of people via contact with surficial hazardous substances. The Agency believes that, all else being equal, large contaminated surface areas with public access, including those associated with mining waste sites, should receive higher scores for the soil exposure pathway than smaller sites with more restricted access. Even sites with large contaminated surface areas are unlikely to be assigned high scores except when they are near residential areas or include a listed sensitive environment. As some commenters representing mining-related activities have noted in the past, most mines are located some distance from inhabited areas.

Three commenters stated that the original HRS was biased against sites such as mining waste sites that are characterized by high volumes of waste with relatively low concentrations of toxic constituents. Two of these commenters suggested that mining wastes would be appropriate for hazardous constituent quantity determination because such wastes are relatively homogeneous (compared to other wastes) and, therefore, have fairly consistent concentrations. One of these two commenters also stated that the hazardous waste quantity factor equations in Table 2–14 of the proposed rule should be revised to be less conservative. The remaining commenter suggested that the proposed HRS was still biased against mining waste sites because they are still scored based on the quantity of waste rather than on the concentration of the waste at the point of exposure.

EPA does not agree that the HRS is biased against high-volume, low-concentration waste sites. The final rule incorporates concentration data in three factors: (1) Likelihood of release (concentration data can be used for establishing an observed release); (2) hazardous waste quantity (concentration data, if available and adequate, can be used for calculating hazardous constituent quantity); and (3) targets (concentrations of hazardous substances present in drinking water wells or at other exposure points can be used to determine weightings for nearest individuals (or wells or intakes), populations, and sensitive environments factors). EPA has not explicitly required concentration data for all sites because of the substantial costs for obtaining these data and the very high degree of uncertainty associated with data collected during SIs.

EPA requested that the SAB review issues related to large-volume waste sites before the NPRM was published. The SAB final report is available in the CERCLA docket. Two commenters stated that the Agency did not adequately consider the SAB's recommendations for revising the HRS, specifically those concerning the use of mobility data.

The SAB, in its review of the original HRS, examined whether large-volume waste sites (e.g., mining waste sites) had been treated differently than other waste sites and concluded that insufficient data were presented to demonstrate that the original HRS was biased against mining waste sites. However, the SAB noted that the original HRS had the potential for such a bias, particularly when scoring potential to release, because the original HRS did not consider mobility, concentration of hazardous constituents, and transport. The SAB suggested several possible modifications to improve the application of the HRS to mining waste sites.

Based in part on the SAB suggestions, EPA proposed several changes to the overall scoring process to make the HRS more accurately reflect risks associated with mining waste sites, notably, addition of a mobility factor to the air and ground water migration pathways, changes in the persistence factor, incorporation of a tiered hazardous waste quantity factor that can account for waste concentration data, and addition of health-based benchmarks for evaluating population. As explained in the NPRM, determining speciation of metals and pH, as the SAB had suggested, is not feasible given the temporal and spatial variations at hazardous waste sites and the limitations on SI data collection. Moreover, determining speciation is not feasible for most substances given EPA's current analytical procedures; requiring speciation analyses would add substantially to the cost of data collection.

Two commenters stated that the proposed HRS can significantly overestimate risks associated with mining waste sites that consist of high-volume, low-concentration wastes. One of these commenters recommended a "preliminary evaluation system" to more accurately reflect the actual risks associated with such sites and remove any bias in the HRS relative to other types of sites. This commenter also suggested that in proposing the HRS revisions, EPA had ignored the results of its own studies under RCRA sections 3001 and 8002, which the commenter believed to be more focused efforts to quantify risks from mining waste sites than the HRS revisions.

EPA does not believe that a separate "preliminary evaluation system" for scoring mining waste sites would be appropriate. A single HRS can be applied uniformly to all sites, allowing the Agency to evaluate sites relative to each other with respect to actual and potential hazards. The Agency examined the RCRA studies cited by the commenter before proposing HRS revisions. Those studies, which focus on the management of wastes at active facilities, concluded that many special study waste sites (e.g., mining) do not present very high risks, while others may present substantial risks. EPA believes that the conclusions of these studies and the Agency's subsequent regulatory determinations (i.e., not to regulate most mining wastes under RCRA Subtitle C) are not inconsistent with a determination that some mining waste releases can require Superfund response actions. Furthermore, the HRS is designed so that it can be applied to closed and abandoned sites as well as active sites.

Other large volume waste sites. Several commenters suggested that the proposed HRS did not meet CERCLA section 125 requirements for sites involving fossil fuel combustion wastes. These commenters generally agreed that section 125 requires EPA to consider the quantity and concentration of hazardous constituents in fossil fuel combustion wastes and that the proposed HRS had not adequately addressed this requirement.

One commenter supported the Agency's proposal to allow consideration of concentration data when such data are available. Three commenters stated that the proposed HRS would often assign fossil fuel combustion waste sites high scores in part because of the worst-case assumptions or "default values" for certain factors (i.e., hazardous waste quantity, toxicity, target populations). The commenters claimed that fossil fuel combustion waste sites receive high scores merely because of the large quantity of waste, although this waste presents no significant adverse environmental effects, and that these high scores are inconsistent with EPA's findings in the RCRA section 8002 study. One of the three commenters suggested that the proposed HRS retained certain deficiencies of the original HRS, such as assuming that all hazardous substances in the waste consist of the single most toxic constituent in the waste.

EPA does not believe that the approach taken in the final rule creates a bias against fossil fuel combustion wastes. Partly because concentration data are considered in the final rule, fossil fuel combustion waste sites are not expected to score disproportionately high when compared with other types of sites. The HRS assumes that it is not possible to determine in a consistent manner the relative contribution to risk of all hazardous substances found at sites. Given this assumption, EPA has determined that basing the toxicity of the combination of substances at a site on the toxicity of the substance posing the greatest hazard is a reasonable and appropriately conservative approach. In many cases, the substance posing the greatest hazard is not several orders of magnitude more toxic than other hazardous substances at the site. Therefore, the effect of this approach on the toxicity factor value—which is evaluated in one order of magnitude scoring categories—is not as great as some commenters have suggested (see also section III D). In addition, as noted above, worst-case defaults are not assigned for mobility; population factors have no default values.

Two commenters suggested that because CERCLA section 125 contains no statutory deadlines, EPA should take as much time as necessary to adequately respond. These commenters recommended that EPA extend the tiered approach of the hazardous waste quantity factor to other factors to take advantage of the extensive data on fossil fuel combustion wastes generated by the electric utility industry.

The Agency does not agree that the tiered approach used in the hazardous waste quantity factor should be extended to other factors for fossil fuel combustion waste sites (see also section III K). EPA believes that creating a separate HRS to score certain types of sites would not allow the Agency to provide a uniform measure of relative risk at a wide variety of sites, as Congress intended.

One commenter recommended that EPA consider using fate and transport models currently under development to incorporate quantitative representations of specific processes and mechanisms into the HRS. EPA carefully examined this possibility and concluded that although the use of fate and transport models could conceivably increase the accuracy of the HRS for some pathways, collection of the required site-specific data would be far too complex and costly. Fate and transport models are appropriate for a comprehensive risk assessment, but not for a screening tool such as the HRS. In addition, EPA's review suggested that it would be more difficult to achieve consistent results among users of such models than with the HRS. EPA points out that it used fate and transport models to develop the distance weighting factors used in the HRS target calculations, and also that the HRS incorporates several hazardous substance parameters (e.g., mobility) and site parameters (e.g., travel time) that are components of fate and transport models.

Two commenters expressed concern that the proposed HRS fails to account for the leachability of hazardous constituents as required by CERCLA section 125. According to the commenters, some hazardous constituents pose no risk via ground water because they will never be released to that medium. Thus, even if hazardous waste quantity and concentration are considered adequately, hazardous waste quantity scores for fossil fuel combustion sites will be erroneously high unless leachability is considered as well.

EPA examined the availability of leachate data and the feasibility of using such data for calculating hazardous substance quantity for all types of sources and wastes. The Agency decided against using leachate concentrations because:

- Leachate data are not available for all sources and wastes, and available leachate data on high-volume wastes and some landfills have limited applicability for estimating the quantity of leachable hazardous substances;
- Leachate data derived from lab studies are limited and do not realistically represent the universe of field conditions such as heterogeneity of wastes, chemistry of leachate, and density and pore volume of disposed wastes; and
- Any method for using leachate data could not be consistently or uniformly applied to all sites.

EPA also examined the feasibility of developing site-specific leachate data for estimating leachable hazardous substance quantity for the ground water migration pathway. EPA decided against this option because reliable estimation of leachable hazardous substance quantity requires comprehensive sampling of site-specific heterogeneous waste, which would be prohibitively expensive and not feasible. In some cases, such sampling would be technically unfeasible and unsafe.

EPA evaluated alternatives for developing a surrogate for estimating leachable hazardous substance quantity. The Agency found that adding the mobility factor to the ground water migration pathway, based both on solubilities and distribution coefficients (K_ds) of hazardous substances, and multiplying it by the hazardous waste quantity factor would be a feasible alternative for approximating the fraction of hazardous substance quantity expected to be released to ground water.

Q. Consideration of Removal Actions (Current Versus Initial Conditions)

The original HRS based the evaluation of factors on initial conditions. In the preamble to the proposed rule, EPA specifically requested comments on whether sites should be scored on the basis of initial or current conditions. The principal question is whether the effect of response actions, such as the removal of some quantity of the waste, should be considered when sites are scored. Initial conditions are defined by the timing of the response action; that is, initial conditions are the conditions that existed prior to any response action. For sites where no response action has occurred, initial and current conditions are the same for evaluating sites.

Of the 25 commenters responding to this issue, 15—including all industry commenters—supported scoring on current conditions. In the preamble of the proposed rule, EPA presented two approaches for considering response actions in HRS scores: (1) Consider these actions only for those pathways and factors for which they are most appropriate; and (2) consider these actions in all pathways, but make exceptions at sites where initial conditions more accurately reflect risks.

Those who stated a preference favored the second, specifying that the exceptions should be clearly defined in the final rule. These commenters stated that scoring all pathways on current conditions would encourage responsible parties to clean up sites quickly. They reasoned that if cleanups are delayed, the threat of migration of the hazardous substances increases; therefore, scoring on current conditions is consistent with the intent of CERCLA because it encourages rapid remedial action. One commenter said that scoring on initial conditions made little sense when, as a result of the cleanup, the level of residual contamination was below the level required by CERCLA.

Several proponents of scoring on current conditions stated that EPA's concern that responsible parties would clean up sites just enough to avoid being listed on the NPL was unfounded. They argued that the proposed scoring system is too complicated to manipulate, and that predicting the effect of partial cleanups on the final score would be difficult. Others suggested that where contamination remains, sampling during an SI will discover it.

Ten commenters did not fully support scoring on current conditions. Only one opposed any consideration of current conditions. Several commenters supported scoring the soil exposure and air migration pathways on current conditions. Others stated that response actions should be considered only when the actions are conducted under Federal or State direction, or when the action constitutes a complete cleanup. Several added that State actions should not be considered because it would penalize States with active remedial programs. One commenter suggested scoring sites on both current and initial conditions; if the response action had addressed all hazards, then the current conditions score should be used.

Based on public comment, EPA has decided to change its policy on consideration of removal actions. The Agency agrees that consideration of such actions in HRS scores is likely to increase incentives for rapid actions by responsible parties, reducing risks to the public and allowing for more cost effective expenditure of the Fund. In making this decision, EPA tried to balance the benefits of considering removal actions in HRS scores (e.g., increased incentives for rapid actions) while also ensuring that the HRS score reflects any continuing risks at sites where contamination occurred prior to any response action.

Therefore, EPA will calculate waste quantities based on current conditions. However, EPA believes the accuracy of this approach depends on being able to determine with reasonable confidence the quantity of hazardous constituents remaining in sources at the site and the quantity released into the environment. As a consequence, where the Agency does not have sufficient information to estimate the quantity of hazardous constituents remaining in the sources at the site and in the associated releases, a minimum factor value may be assigned to the hazardous waste quantity factor value. Thus, removal actions may not reduce waste quantity factor values unless the quantity of hazardous constituents remaining in sources and in releases can be estimated with reasonable confidence.

In addition to providing incentives for early response, this approach also provides incentives for potentially responsible parties to ascertain the extent of the remaining contamination at sites. Potentially responsible parties undertaking removal actions will have the primary responsibility for collecting any data needed to support a determination of the quantity of hazardous constituents remaining. EPA expects responsible parties may need to conduct sampling and analyses to determine the extent of hazardous substance migration in soils and other media in order to estimate with reasonable confidence the quantity of hazardous constituents remaining.

EPA decided not to limit the consideration of response actions to certain pathways (e.g., the soil exposure pathway) because this would overstate the risk at sites where removal of wastes has eliminated threats in all pathways. Moreover, a more limited approach to consideration of response actions would provide less incentive for rapid response action.

EPA will evaluate a site based on current conditions provided that response actions actually have removed wastes from the site for proper disposal or destruction in a facility permitted under the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA), or by the Nuclear Regulatory Commission. HRS scoring will not consider the effects of responses that do not reduce waste quantities such as providing alternate drinking water supplies to populations with drinking water supplies contaminated by the site. In such cases, EPA believes that the initial targets factor should be used to reflect the adverse impacts caused by contamination of drinking water supplies; otherwise, a contaminated aquifer could be artificially shielded from further remediation. This decision is consistent with SARA section 118(a), which requires that EPA give high priority to sites where contamination from the site results in closed drinking water wells. Similarly, if residents are relocated or if a school is closed because of contamination due to the site, EPA will consider the initial targets in scoring the site.

As noted in the proposed rule preamble, EPA would only consider removals conducted prior to an SI. EPA believes that the SI is the appropriate time to evaluate conditions, because it is the source of most of the data used to score a site. Because response action at sites may be an ongoing process, it would be burdensome to recalculate scores continually to reflect such actions.

In response to commenters, EPA also considered whether response actions should be considered in HRS scores only if they are performed under a State or EPA order. EPA decided not to choose this approach for two reasons. First, it would diminish the incentive for an expeditious response at the site if a signed order were required. Second, because a response action must be conducted before the SI to be considered in the HRS score, there would be little information on site conditions upon which this order could be based.

EPA has also decided not to differentiate between response actions initiated by States and those conducted by other parties. The Agency believes this approach will help ensure consistent application of the HRS by avoiding situations where two similar sites are scored using different sets of rules. Moreover, although the Agency is sympathetic to concerns about disincentives to States for initiating actions, it believes that such cases will be rare. Many State (and Federal) removal actions are interim measures designed to stabilize conditions at the site. Given the more limited definition of response action noted above (e.g., removal of waste from the site for disposal or destruction in a RCRA-permitted facility), many actions conducted by States would not be considered in HRS scoring. In addition, in many cases, State and Federal removal actions are undertaken after an SI has been conducted. As noted above, EPA will only consider removals conducted before the SI in the HRS score.

B. Cutoff Score

In the NPRM preamble, EPA proposed that the cutoff score for the revised HRS be functionally equivalent to the current cutoff score of 28.5. The Agency also requested comment on three proposed options for determining functional equivalence:

• Option 1: Score sites using both the original and final rule, then use statistical analysis to determine what revised HRS score best corresponds to 28.5;

• Option 2: Choose a score that would result in an NPL of the same size as the NPL that would be created by using the original HRS; and

• Option 3: Identify the risk level that would correspond to 28.5 in the original HRS and then determine what revised HRS score corresponds to that risk level.

Some commenters stated that there cannot be a functional equivalence if the revisions have any meaning. They argued that if the revisions meet the statutory mandate to make the HRS more accurate, the scores should be different and, therefore, cannot be related. Several commenters supported the use of a functional equivalent, but were divided about which option should be used. One commenter stated that the 28.5 score should be evaluated to determine whether it reflected minimum risk levels. If it did, the commenter suggested that a functional equivalent would be appropriate and should be determined using equivalent risk levels (option 3), but also with an eye toward keeping the NPL to a manageable size (option 2).

Commenters not supporting the use of a functional equivalent suggested a variety of alternative approaches, including:

• Establish the cutoff score based on risk, without regard to the current cutoff level or a functional equivalent;

• Leave the score at 28.5;

• Propose a new cutoff score and a description of methodology in a public notice with a 60-day public comment period;

• Lower the cutoff score to provide an incentive to responsible parties to undertake remedial efforts and make it possible for sites where a removal action has taken place to make the NPL, thus reducing the controversy over whether to score sites based on current conditions;

• Raise the cutoff score by at least 20 points;

• Eliminate the present cutoff score by creating categories of sites instead of individual ranks as a means of prioritizing NPL sites;

• Amend the NPL annually to include only those sites that deserve priority attention (e.g., orphaned sites) and are likely to receive Superfund financing; or

• Rank all sites showing any degree of public health and/or environmental risk on a relative scale and perform remedial activities based on available funding.

In addition, four commenters felt that the cutoff score for the final rule should not be fixed until the technical merits and potential scores of representative sites are tested and compared using both the current and proposed HRS. Further, one commenter noted that the field test did not indicate the relationship between the revised HRS score for a given site and the current score; another added that until this equivalency issue is clarified, meaningful comment on any proposed revisions cannot be made.

Based on an analysis of 110 test sites, EPA has decided not to change the cutoff score at this time. This conclusion was reached after applying all three approaches to setting a cutoff score that would be functionally equivalent to 28.5. In its analysis, the Agency scored field test sites with both the original and revised HRS. The data from these test sites show that few sites score in the range of 25 to 30 with the revised HRS model. The Agency believes that this range may represent a breakpoint in the distribution of site scores and that the sites scoring above the range of 25–30 are clearly the types of sites that the Agency should capture with a screening model. Because the analysis did not point to a single number as the appropriate cutoff, the Agency has decided to continue to employ 28.5 as a management tool for identifying sites that are candidates for the National Priorities List.

EPA believes that the cutoff score has been, and should continue to be, a mechanism that allows it to make objective decisions on national priorities. Because the HRS is intended to be a screening system, the Agency has never attached significance to the cutoff score as an indicator of a specific level of risk from a site, nor has the Agency intended the cutoff to reflect a point below which no risk was present. The score of 28.5 is not meant to imply that risky and non-risky sites can be precisely distinguished. Nevertheless, the cutoff score has been a useful screening tool that has allowed the Agency to set priorities and to move forward with studying and, where appropriate, cleaning up hazardous waste sites. The vast majority of sites scoring above 28.5 in the past have been shown to present risks. EPA believes that a cutoff score of 28.5 will continue to serve this crucial function.

IV. Section-by-Section Analysis of Rule Changes

Besides the changes discussed above, EPA has made substantial editorial revisions in the rule being adopted today. Source characterization is discussed in section 2 of the final rule, along with factors that are evaluated in each pathway. These factors include hazardous waste quantity, toxicity, and evaluation of targets based on benchmarks. The order of presentation of the pathways has been changed to ground water, surface water, soil exposure, and air. Following the four sections describing the pathways, a section has been added explaining how to evaluate sites that have radionuclides either as the only hazardous substances at the site or in combination with other hazardous substances.

In general, descriptive text that provided background information has been removed as have references and data sources; the sections have been rewritten to make the rule easier to read and to apply. The figures presenting overviews of the pathways and the scoring sheets have been revised throughout to reflect changes in the rule and assigned values.

This section describes, for each section of the rule and each table, the specific substantive changes; editorial changes that do not affect the content of the rule are not generally noted.

Section 1 Introduction

The text explaining the background of the HRS and describing the rule has been removed. Definitions of a number of additional terms used in the rule have been added for clarity. The definition of "hazardous substance" has been revised for clarification. The definition of "site" has been clarified and now indicates that the area between sources may also be considered part of the site. The definition of "source" has been revised to explain that those volumes of air, ground water, surface water, or surface water sediments that become contaminated by migration of hazardous substances are not considered a source, except contaminated ground water plumes or contaminated surface water sediments may be considered a source if they cannot be attributed to an identified source. In addition, the definition of source now includes soils contaminated by migration of hazardous substances.

Under the original HRS, the Agency took the approach that all feasible efforts should be made to identify sources before listing a site on the NPL. If, after an appropriate effort has failed to identify a source, the Agency believed that the contamination was likely to have originated at the type of source that would be addressed under Superfund, such sites were listed. Subsequent investigations after listing have generally identified a specific source. In some cases, EPA has not listed contaminated media without clearly identified sources because it appeared the source of pollution would not be addressed by Superfund programs; an example of such a source would be extensive, low-level contamination of surface water sediments caused by pesticide applications. EPA has found this approach to be generally workable and will continue to evaluate, on a case-by-case basis, whether sites with no identified sources should be listed.

Where contaminated media with no identified sources exist, the final rule generally assigns a hazardous waste quantity factor value to such contamination, with the value depending on whether there are any targets subject to Level I or Level II concentrations. For contaminated sediments in the surface water migration pathway, if there is a clearly defined direction of flow, target distances are measured from the point of observed sediment contamination that is farthest upstream. For ground water plumes and for contaminated sediments where there is no clear direction of flow, the center of the observed ground water or sediment contamination is used for the purpose of measuring target distance limits.

Section 2 Evaluations Common to Multiple Pathways

This section covers factors and evaluations common to multiple pathways. The major changes to these factors include: observed release criteria have been revised; the toxicity factor has been changed to a linear rather than a log scale; scales for hazardous waste quantity have been made linear and expanded, and the hazardous waste quantity minimum value has been changed; the waste characteristics factor category score is now obtained by multiplying the factor values and using a table to assign the final score; use of benchmarks has been extended to all pathways and to the nearest individual (well/intake) factor; and the methods for comparisons to benchmarks have been changed as have the benchmarks used. The purpose of this part is to make the rule less repetitious by presenting full explanations of the evaluation of certain factors only once rather than in each pathway in which they occur.

Exceptions related to radionuclides are noted throughout the rule and referenced to Section 7.

Section 2.1 Overview. Introduces the pathways and threats included in HRS scoring.

Section 2.1.1 Calculation of HRS site score. Provides the equation used to calculate the final HRS score.

Section 2.1.2 Calculation of pathway score. Indicates, in general, how pathway scores are calculated and includes a sample pathway score sheet (Table 2-1).

Section 2.1.3 Common evaluations. Lists evaluations common to all pathways.

Section 2.2 Characterize sources. Introduces source characterization and references Table 2-2, the new sample source characterization worksheet.

Section 2.2.1 Identify sources. Explains that for the three migration pathways, sources are identified, and for the soil exposure pathway, areas of observed contamination are identified.

Section 2.2.2 Identify hazardous substances associated with a source. Covers information previously provided in the introduction to the waste characteristics factor category.

Section 2.2.3 Identify hazardous substances available to a pathway. Explains which hazardous substances may be considered available to each pathway. For the three migration pathways, the primary limitation on availability of a hazardous substance to a pathway is that the substance must be in a source with a containment factor value, for that pathway, greater than 0; that is, the hazardous substance must be available to migrate from its source to the medium evaluated. For the soil exposure pathway, the primary limitation is that the substance must meet the criteria for observed contamination and, for the nearby threat, it must also be accessible.

Section 2.3 Likelihood of release. Specifies the criteria for establishing an observed release (discussed in section III G of this preamble) and explains that potential to release factors are evaluated only when an observed release cannot be documented. Table 2-3, which replaces Table 2-2 in the proposed rule, provides the revised observed release criteria for chemical analyses for the migration pathways. Table 2-3 is also used in establishing observed contamination for the soil exposure pathway.

Section 2.4 Waste characteristics. Defines the waste characteristics factor category.

Section 2.4.1 Selection of substance potentially posing greatest hazard. Explains how to select the substance potentially posing the greatest hazard.

Section 2.4.1.1 Toxicity factor. Explains how to assign toxicity values. Changes in the approach to scoring toxicity are discussed in section III D of this preamble. Table 2-4 (proposed rule Table 2-11) has been revised to make the assigned factor values linear rather than logarithmic values; however, the relationship among the values has not changed. A provision to always assign lead (and its compounds) an HRS toxicity factor value of 10,000 was added as a result of changes since the time of the proposed rule in the way EPA develops chronic toxicity values for lead (i.e., reference doses, in units of intake (mg/kg-day), are no longer developed for lead).

Section 2.4.1.2 Hazardous substance selection. Lists which factors are combined, in each pathway or threat, to select the hazardous substance potentially posing the greatest hazard. For each migration pathway, each substance eligible for consideration is evaluated based on the combination of toxicity (human or ecosystem) and/or mobility, persistence, and bioaccumulation (or ecosystem bioaccumulation) potential. The substances selected for each pathway or threat are those with the highest combined values. For the soil exposure pathway, the substance with the highest toxicity value is selected from among substances that meet the criteria for observed contamination for the threat being evaluated. The use of bioaccumulation in the selection of substances in the human food chain threat has changed as a result of the structural changes discussed above. In the proposed rule, only substances with the highest bioaccumulation values were evaluated for toxicity/persistence; in the final rule, the substance with the highest combined toxicity/persistence/bioaccumulation value is selected in the human food chain threat of the overland flow/flood migration component. For the ground water to surface water migration component, mobility is also considered. This revised method better reflects the overall threat.

Section 2.4.2 Hazardous waste quantity. Describes how to calculate the hazardous waste quantity factor value, as explained in section III D of this preamble. The explanation has been simplified from that presented in the proposed rule, and a discussion of unallocated sources has been added. A discussion clarifying the method for evaluating hazardous waste quantity in the soil exposure pathway was also added, and clarifying language on this point was inserted throughout the subsections of § 2.4.2. Table 2–13 from the proposed rule has been eliminated.

Section 2.4.2.1 Source hazardous waste quantity. Details the measures that may be considered in evaluating hazardous waste quantity for a source or area of observed contamination.

Section 2.4.2.1.1 Hazardous constituent quantity. Explains how to assign a value to the hazardous constituent quantity factor. An explanation of the treatment of RCRA hazardous wastes has been added to clarify the scoring of these wastes. Table 2–5, Hazardous Waste Quantity Evaluation Equations (proposed rule Table 2–14), has been revised in several ways. The constant divisor of 10 has been moved from these equations and is now incorporated into the factor values assigned using Table 2–6. Two types of surface impoundments are now listed to ensure that buried surface impoundments are treated appropriately. The term "tanks" has been added to containers other than drums to clarify how tanks should be evaluated. Also, equations for calculating hazardous waste quantity based on area have been revised based on a study of waste sites. The study indicated that new depth assumptions should be used for some sources; the land treatment equation was revised based on data from the same study about typical loading rates in land treatment operations.

Section 2.4.2.1.2 Hazardous wastestream quantity. Explains how to assign a value for hazardous wastestream quantity based on the mass of the wastestream. An explanation of the treatment of RCRA hazardous wastes has been added to clarify the scoring of these wastes.

Section 2.4.2.1.3 Volume. Explains how to assign a value for source volume.

Section 2.4.2.1.4 Area. Explains how to assign a value for source area.

Section 2.4.2.1.5 Calculation of source hazardous waste quantity value. Explains how to assign a value to source hazardous waste quantity.

Section 2.4.2.2 Calculation of hazardous waste quantity factor value. Explains how to assign a factor value to hazardous waste quantity using Table 2–6. The values in Table 2–6 include several changes. The cap applied to the factor value (i.e., the lowest hazardous waste quantity value required to assign the maximum factor value) has been increased to reflect more accurately the range of hazardous substance quantities found at waste sites. The cap is set based on the maximum quantity found at current NPL sites. Rather than being assigned a maximum of 100, as in the proposed rule, the assigned factor values range to 1,000,000. Each factor value less than the cap is assigned for quantities that range across two orders of magnitude. The two-order-of-magnitude ranges reflect the uncertainty in estimates of both quantity and concentration of the hazardous substances in sources and associated releases as well as uncertainty in identifying all sources and associated releases. Using the ranges also simplifies documentation requirements. Non-zero values below 1 are rounded to 1 to ensure that sites with small amounts of hazardous substances will receive a non-zero score for waste characteristics. When hazardous constituent quantity data are incomplete, the minimum hazardous waste quantity factor value is 10, except for: (1) Migration pathways that have any target subject to Level I or II concentrations; and (2) migration pathways where there has been a removal action and the hazardous waste quantity factor value would be 100 or greater without consideration of the removal action. In these cases, the minimum hazardous waste quantity factor value has been changed to 100 (see sections III C and III Q above for further discussion of the new minimum values).

Section 2.4.3 Waste characteristics factor category value. Explains how to assign a value to the waste characteristics factor category. As discussed above, the final waste characteristics factor value is capped at 100 (1,000 with bioaccumulation potential). Values are assigned by placing the product of the waste characteristics factors into ranges of one order of magnitude, to a cap of 10^8 (10^{12} if bioaccumulation potential is considered).

Section 2.4.3.1 Factor category value. Explains how to use Table 2–7 to assign a value to waste characteristics when bioaccumulation (or ecosystem bioaccumulation) potential is not considered.

Section 2.4.3.2 Factor category value, considering bioaccumulation potential. Explains how to use Table 2–7 to assign a value to waste characteristics when bioaccumulation (or ecosystem bioaccumulation) potential is considered.

Section 2.5 Targets. Explains how targets factors are evaluated. This approach generally involves three levels of evaluation (Level I, Level II, and Potential) and the use of media-specific concentration benchmarks, as discussed in section III H of this preamble. Level III has been dropped; use of benchmarks has been extended to all pathways and to factors that assign values to the nearest individual (well/intake). Also discusses assigning level based on direct observation and describes when tissue samples that do not establish actual contamination may be used in comparisons to benchmarks.

Section 2.5.1 Determination of level of actual contamination at a sampling location. Explains the approach used for evaluating the level of actual contamination at a sampling location; changes have been made to allow the level of actual contamination in the human food chain threat to be based on tissue samples from aquatic food chain organisms that cannot be used to establish an observed release.

Section 2.5.2 Comparison to benchmarks. Lists benchmarks and explains how to determine whether benchmarks have been equalled or exceeded (see section III H of this preamble); changes have been made to allow the level of actual contamination in the human food chain threat to be based on tissue samples from aquatic food chain organisms that cannot be used to establish an observed release.

Section 3 Ground Water Migration Pathway

The ground water migration pathway evaluates threats resulting from releases or potential releases of hazardous substances to aquifers. The major changes specific only to this pathway include replacement of the depth to aquifer/hydraulic conductivity and sorptive capacity factors with travel time and depth to aquifer factors; a revised approach for assigning mobility values; removal of the ground water use factors and their replacement by a resources factor; evaluation of the nearest well factor based on benchmarks; and revisions to scoring of sites having both karst and non-karst aquifers present.

Section 3.0 Ground Water Migration Pathway. Descriptive text has been removed. Figure 3–1 has been revised to reflect revisions to the factors evaluated, and Table 3–1 has been revised to reflect the new factor category values throughout.

Section 3.0.1 General considerations. The title has been changed.

Section 3.0.1.1 Ground water target distance limit. An explanation of the treatment of contaminated ground water plumes with no identified source has been added. For these plumes, measurement of the target distance limit begins at the center of the area of observed ground water contamination;

the center is determined based on available data.

Section 3.0.1.2 Aquifer boundaries. Descriptive text has been removed.

Section 3.0.1.2.1 Aquifer interconnections. Descriptive text has been removed as have examples of information useful for identifying aquifer interconnections.

Section 3.0.1.2.2 Aquifer discontinuities. Descriptive text has been removed.

Section 3.0.1.3 Karst aquifer. Descriptive text has been removed, and references to factors have been revised to reflect changes in factors. Text was added to clarify that karst aquifers underlying any portion of the sources at a site are given special consideration.

Section 3.1 Likelihood of release. Descriptive text has been removed.

Section 3.1.1 Observed release. Description of the criteria for establishing an observed release has been revised as discussed in Section III G of this preamble.

Section 3.1.2 Potential to release. Text has been revised to reflect changes in the factors evaluated and to clarify that karst aquifers underlying any portion of the sources at a site are given special consideration in evaluating depth to aquifer and travel time.

Section 3.1.2.1 Containment. Explanatory text has been removed and the ground water containment table is referenced. Only sources that meet the minimum size requirement (i.e., that have a source hazardous waste quantity value of 0.5 or higher) are used in assigning containment factor values. This requirement has been added to ensure that very small, uncontained sources do not unduly influence the score. For example, a site might have a large, but highly contained source and a very small, uncontained source; without a minimum size requirement, potential to release could be assigned the maximum value based on the very small source, which could overestimate the potential hazard posed by the site. If no source meets the minimum size requirement, the highest ground water containment factor value assigned to the sources at the site is used as the factor value. Table 3-2—Containment Factor Values for Ground Water Migration Pathway, has been simplified by combining repetitious items and has been moved from an attachment to the proposed rule into the body of the rule.

Section 3.1.2.2 Net precipitation. A new map has been added as Figure 3-2 to assign net precipitation factor values. The equation for calculating monthly potential evapotranspiration was clarified. Descriptive text has been removed.

Section 3.1.2.3 Depth to aquifer. As described in section III L of this preamble, the depth to aquifer factor has replaced the sorptive capacity factor and is no longer combined in a matrix with hydraulic conductivity for scoring. Table 3-5 is new and provides the factor values. The depth to aquifer factor reflects the geochemical retardation capacity of the subsurface materials, which generally increases as the depth increases. Depth to aquifer factor values are assigned to three depth ranges. Clarifying language was added related to karst aquifers.

Section 3.1.2.4 Travel time. As discussed in section III L of this preamble, this factor replaces the depth to aquifer/hydraulic conductivity factor and is based on the least conductive layer(s) rather than on the conductivities of all layers between the hazardous substances and the aquifer. Table 3-7 has been revised to reflect these changes. Table 3-5 from the proposed rule has been renumbered as Table 3-6. Text on how to obtain information to score this factor has been removed. Clarifying language was added related to karst aquifers.

Section 3.1.2.5 Calculation of potential to release factor value. Text has been revised to reflect new factor names.

Section 3.1.3 Calculation of likelihood of release factor category value. New maximum value of 550 based on observed release has been added.

Section 3.2 Waste characteristics. Descriptive text has been removed.

Section 3.2.1 Toxicity/mobility. Descriptive text has been removed.

Section 3.2.1.1 Toxicity. References § 2.4.1.1.

Section 3.2.1.2 Mobility. As discussed in sections III F and III P of this preamble, the method for assigning mobility values to hazardous substances has been revised. Table 3-8 has been revised. Mobility values are now linear rather than categorical place holders and are assigned in a matrix combining water solubility and distribution coefficients. Mobility values may now vary by aquifer for a specific hazardous substance. The maximum mobility value is no longer assigned based on observed release by direct observation. A factor value of 0 is no longer assigned for mobility, as had been the case under the proposed rule, where categorical place-holder values were used; because mobility is now multiplied by toxicity and hazardous waste quantity, assigning a 0 value would result in a pathway score of 0. This result could understate the risk posed by a site with a large volume of highly toxic hazardous substances with low mobility. Furthermore, given the uncertainties about estimates of mobility in ground water and their applicability in site-specific situations, EPA determined that a 0 value should not be assigned to the mobility factor under any conditions.

Section 3.2.1.3 Calculation of toxicity/mobility factor value. Text has been simplified. Table 3-9 (proposed rule Table 3-10), the matrix for assigning factor values, has been revised to reflect the linear nature of the assigned values. Values for a specific hazardous substance may now vary by aquifer.

Section 3.2.2 Hazardous waste quantity. References § 2.4.2.

Section 3.2.3 Calculation of waste characteristics factor category value. Text has been revised to indicate the multiplication of the factors, the new maximum value, and the table used to assign the factor category value.

Section 3.3 Targets. Text has been revised to reflect the new names for factors. Descriptive text has been removed. Table 3-10 (Table 3-12 in the proposed rule) has been modified to list the revised benchmarks in this pathway.

Section 3.3.1 Nearest well. Title has been changed from maximally exposed individual. Text has been added to explain how to evaluate nearest wells with documented contamination (at Level I and II) and those potentially contaminated. Text was added to assign Level II contamination to any drinking water well where an observed release was established by direct observation. This section also explains how to evaluate wells drawing from karst aquifers. Table 3-11 has been renamed and the factor values have been changed. See section III B of this preamble for a discussion of the changes to assigned values for this factor.

Section 3.3.2 Population. As discussed in section III H, population is evaluated using health-based benchmarks for drinking water. For populations potentially exposed, population ranges are used to evaluate the factor. This section explains whom to count for population. Populations served by wells whose water is blended with that from other drinking water sources are to be apportioned based on the well's relative contribution to the total blended system. The rule includes instructions on the type of data to use when determining relative contributions of wells and intakes. This change is intended to reflect more accurately the exposure to populations through blended systems. The rule also includes instructions on how to apportion population for systems with standby wells or standby surface water intakes.

Section 3.3.2.1 Level of contamination. Explains how to evaluate population based on concentrations of hazardous substances in samples. Text was added to assign Level II contamination to any drinking water wells where there is an observed release by direct observation.

Section 3.3.2.2 Level I concentrations. Explains how to evaluate populations exposed to Level I concentrations. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 10.

Section 3.3.2.3 Level II concentrations. Explains how to evaluate populations exposed to Level II concentrations. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 1.

Section 3.3.2.4 Potential contamination. Explains how to assign values to populations potentially exposed to contamination from the site. The formula for calculating population values has been modified to reflect both the revised method for evaluating karst aquifers (see below) and the use of distance-weighted population values from Table 3-12, which has been added to assign distance-weighted values for populations in each distance category. The values are determined for each distance category and are then added across distance categories, and the sum is divided by 10 to derive the factor value for potentially contaminated population. The assigned values in Table 3-12 were determined by statistical simulation to yield the same population value, on average, as the use of the formulas in the proposed rule. The use of range values has been adopted as part of the simplification discussed in section III A. The rounding rules have also changed. The method for evaluating karst aquifers has been simplified and is explained in this section. Table 3-14 in the proposed rule, which included dilution weighting factors for the general case and for two special cases, has been removed, and the two special karst cases are no longer evaluated. (The generally applicable dilution factors for karst have not changed and are all incorporated into the distance-weighted population values in Table 3-12.) The scoring cap was eliminated, and the multiplier (i.e., weight) is now 0.1.

Section 3.3.2.5 Calculation of population factor value. Has been revised to reflect the changes in the evaluation of actually contaminated wells. The rounding rule has also been changed, and the scoring cap was eliminated.

Section 3.3.3 Resources. Describes how points are assigned to resource uses of ground water. Points may be assigned if there are no drinking water wells within the target distance limit, but the water is usable for drinking water. This scoring allows for consideration of potential future uses of the aquifers. (See section III I of this preamble for a discussion of the relative weighting of these factors.)

Section 3.3.4 Wellhead protection area. Explains how to assign values to this factor. The maximum value is assigned when a source or an observed release lies partially or fully within a wellhead protection area applicable to the aquifer being evaluated, and this value has been changed from 50 to 20 to adjust for scale changes. A new criterion for scoring this factor has been added. If a wellhead protection area applicable to the aquifer being evaluated is within the target distance limit and neither of the other conditions is met, a value of five is assigned. This change allows the HRS to place a value on the resource.

Section 3.3.5 Calculation of targets factor category value. Has been revised to reflect changes in the factor names. The rounding rule has been changed, and the scoring cap was eliminated.

Section 3.4 Ground water migration score for an aquifer. Text has been revised to reflect the new divisor for normalizing pathway scores.

Section 3.5 Calculation of ground water migration pathway score. Text has been simplified.

In addition to the above noted changes, the sorptive capacity factor has been eliminated and replaced by the depth to aquifer factor, as have the tables used to assign values to this factor (Tables 3-6 and 3-7 in the proposed rule). The ground water use factors have also been eliminated as have the tables used to assign their values (Tables 3-15 and 3-16 in the proposed rule). Figures 3-2, 3-3, and 3-4 and Tables 3-4, 3-8, 3-9, 3-13 of the proposed rule have been removed.

Section 4 Surface Water Migration Pathway

The surface water migration pathway evaluates threats resulting from releases or potential releases of hazardous substances to surface water bodies. One major change to this pathway is the addition of a new component for scoring. ground water discharge to surface water; either this component or the overland flow/flood migration component or both may be scored. For each component, three threats are evaluated: drinking water threat, human food chain threat, and environmental threat. Other major changes specific to this pathway include elimination of the recreational use threat; simplification of overland flow potential to release factors; modifications to the human food chain threat including addition of a food chain individual; modifications to the treatment of bioaccumulation potential and addition of a similar factor, ecosystem bioaccumulation potential, to the evaluation of the environmental threat; modifications to the persistence factor; revisions to the dilution weights; additions of benchmarks, extension of benchmarks to evaluation of the nearest intake, and addition of levels of contamination to the human food chain targets; modifications to criteria for establishing actual food chain contamination; elimination of the surface water use factor; addition of a resources factor to the targets evaluation in the drinking water threat; and revisions to sensitive environments.

Section 4.0 Surface Water Migration Pathway. New structure of the pathway is explained. Descriptive text has been removed. Figure 4-1 has been revised to reflect revisions to the factors evaluated, and Table 4-1 has been revised to reflect the new factor category values throughout.

Section 4.0.1 Migration components. Explains how to score the two migration components.

Section 4.0.2 Surface water categories. A definition of coastal tidal waters has been added. Some surface water bodies that belong in this new category were listed in other categories in the proposed rule (e.g., bays and wetlands contiguous with oceans). Isolated perennial wetlands have been added to the definition of lakes; salt water harbors largely protected by seawalls have been removed from the definition of lakes. Ocean has been defined more precisely as areas seaward from the baseline of the Territorial Sea. Contiguous bays have been removed from, and wetlands contiguous to the Great Lakes have been added to ocean and ocean-like bodies. These definitional changes/clarifications more accurately reflect the different characteristics of the water bodies.

Section 4.1 Overland flow/flood migration component. As discussed in section III M of this preamble, the surface water migration pathway has been divided into two components. The overland flow/flood component is essentially the surface water migration pathway as proposed except that the recreational use threat has been eliminated.

Section 4.1.1 General considerations. Consists of several subsections.

Section 4.1.1.1 Definition of the hazardous substance migration path for overland flow/flood migration component. Text has been simplified.

Section 4.1.1.2 Target distance limit. Explains target distance limits for sites in general and adds an explanation of how to calculate the target distance limit for contaminated sediments with no identified source. For these latter sources only, when there is a clearly defined direction of flow, the target distance limit is measured beginning at the observed sediment contamination farthest upstream; when there is no clearly defined direction of flow, the target distance limit is measured from the center of the area of observed sediment contamination. Discusses the determination of whether surface water targets are subject to actual or potential contamination. Also, text was added to assign Level II to targets subject to actual contamination based on direct observation.

Section 4.1.1.3 Evaluation of the overland flow/flood migration component. Explains that for multiple watersheds, highest score assigned to a watershed is used instead of summing watershed scores as proposed.

Section 4.1.2 Drinking water threat. Descriptive text has been removed.

Section 4.1.2.1 Drinking water threat—likelihood of release. Text has been simplified to clarify when potential to release factors need to be evaluated.

Section 4.1.2.1.1 Observed release. Text has been revised to reflect the changed maximum value.

Section 4.1.2.1.2 Potential to release. Text has been revised to reflect the changed maximum value and has been simplified.

Section 4.1.2.1.2.1 Potential to release by overland flow. Explains when overland flow potential to release is not evaluated.

Section 4.1.2.1.2.1.1 Containment. Text has been revised to reflect changes in the numbering of the containment table. Only sources that meet the minimum size requirement (i.e., that have a source hazardous waste quantity value of 0.5 or higher) are used in assigning containment values. This requirement has been added to ensure that very small, uncontained sources do not unduly influence the score. For example, a site might have a large, but highly contained source and a very small, uncontained source; without a minimum size requirement, the potential to release could be assigned the maximum value based on the very small source, which could overestimate the potential hazard posed by the site. If no source meets the minimum size requirement, the source with the highest surface water containment factor value is used. Descriptive text has been removed. Table 4-2, Containment Factor Values for Surface Water Migration Pathway, has been simplified by combining repetitious items and has been moved from an attachment to the proposed rule into this section of the final rule.

Section 4.1.2.1.2.1.2 Runoff. Text on evaluating rainfall has been simplified by removing explanatory references. The runoff curve number has been simplified by substituting a soil group designation in its place. Table 4-4 (proposed rule Table 4-2) has been revised to list only the soil group designations. Based on analyses of runoff and actual drainage area sizes, Table 4-3 (proposed rule Table 4-3) has been revised by changing the divisions of drainage area size. Table 4-5 (proposed rule Table 4-4) has been revised to reflect the changes related to the use of soil group designations. Table 4-6 (proposed rule Table 4-5) has been revised so that the heading in the table reads Rainfall/Runoff Value; the values assigned have been adjusted on the basis of both the higher maximum value assigned to the factor category and the analyses described above. Explanatory text has been removed.

Section 4.1.2.1.2.1.3 Distance to surface water. Values assigned to distance to surface water factor values in Table 4-7 (proposed rule Table 4-6) have been revised to adjust for the higher maximum assigned to the factor category.

Section 4.1.2.1.2.1.4 Calculation of the factor value for potential to release by overland flow. Has not been changed except for assigned value.

Section 4.1.2.1.2.2 Potential to release by flood. Descriptive text has been removed.

Section 4.1.2.1.2.2.1 Containment (flood). Text in Table 4-8 (proposed rule Table 4-7) has been revised to incorporate new language on required documentation on containment. The requirement for certification by an engineer has been dropped. The new documentation requirements have been added to make the rule consistent with RCRA requirements.

Section 4.1.2.1.2.2.2 Flood frequency. Values assigned to this factor by Table 4-9 (proposed rule Table 4-8) have been revised to better reflect probabilities and to adjust for the higher maximum assigned to the factor category. Descriptive text has been removed.

Section 4.1.2.1.2.2.3 Calculation of the factor value for potential to release by flood. Has been revised to reflect a minimum size requirement for sources.

Section 4.1.2.1.2.3 Calculation of potential to release factor value. Text has been simplified; and the assigned value has been changed.

Section 4.1.2.1.3 Calculation of drinking water threat—likelihood of release factor category value. Text has been simplified. The maximum value has been changed, and the maximum for potential to release is no longer equal to the maximum for observed release.

Section 4.1.2.2 Drinking water threat—waste characteristics. Descriptive text has been removed.

Section 4.1.2.2.1 Toxicity/persistence. Editorial changes have been made.

Section 4.1.2.2.1.1 Toxicity. References § 2.4.1.1.

Section 4.1.2.2.1.2 Persistence. As discussed in section III F of this preamble, several changes have been made to this factor, including the deletion of free-radical oxidation as a decay process and the inclusion of consideration of K_{ow} to account for sorption to sediments. Table 4-10 (proposed rule Table 4-9) has been revised to change the values assigned from categorical numbers to linear scales. The divisions among the half-lives for rivers, oceans, coastal tidal waters, and Great Lakes have changed based on a study of travel time, and the text has been modified to clarify the procedure for determining whether to base the persistence factor on lakes or on rivers, oceans, coastal tidal waters, and Great Lakes. A factor value of 0 is no longer assigned for persistence, as had been the case under the proposed rule, where categorical place-holder values were used; because persistence is now multiplied by toxicity and hazardous waste quantity, assigning a 0 value would result in a pathway score of 0. This result could understate the risk posed by a site with a large volume of highly toxic hazardous substances with low persistence. Furthermore, given the uncertainties about half-life estimates and their applicability in site-specific situations, EPA determined that a 0 value should not be assigned to the persistence factor under any conditions. The text has been modified to clarify selection of an appropriate default value. Table 4-11—Persistence Values—Log K_{ow}, has been added. Descriptive text has been removed.

Section 4.1.2.2.1.3 Calculation of toxicity/persistence factor value. Table reference has been changed to reflect the change in numbering. Table 4-12 (proposed rule Table 4-10) has been changed to reflect the multiplicative relationship.

Section 4.1.2.2.2 Hazardous waste quantity. References § 2.4.2.

Section 4.1.2.2.3 Calculation of drinking water threat—waste characteristics factor category value. Text has been revised to indicate the multiplication of the factors, the new maximum value, and the table used to assign the factor category value.

Section 4.1.2.3 Drinking water threat—targets. Descriptive text has been removed. Text was added to assign Level II to actual contamination based on direct observation.

Section 4.1.2.3.1 Nearest intake. Title and the factor name have been changed. As discussed in Section III B of this preamble, this factor is now assigned values based on health-based benchmarks. Instructions for how to assign dilution weights to closed lakes and lakes with no surface flow entering have been added. Table 4–13, Surface Water Dilution Weights (proposed rule Table 4–11), has been revised to add more types of surface water bodies and to change the dilution weights. These changes have been made to reflect more accurately the flow ranges of water bodies and are based on analysis of data on flow rates and dilution.

Section 4.1.2.3.2 Population. As explained above, population is evaluated based on two levels of actual contamination. Targets potentially contaminated are dilution weighted and are assigned values based on ranges. Populations served by intakes which are blended with water from other drinking water sources are to be apportioned based on the intake's relative contribution to the total blended system. The rule includes instructions on the type of data to use when determining relative contributions of intakes and wells. This change is intended to reflect more accurately the exposure of populations through blended systems. The rule also includes instructions on how to apportion population for systems with standby wells or standby surface water intakes.

Section 4.1.2.3.2.1 Level of contamination. Explains how to evaluate population based on the level of contamination to which they are exposed.

Section 4.1.2.3.2.2 Level I concentrations. Descriptive text has been removed. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 10.

Section 4.1.2.3.2.3 Level II concentrations. Text has been simplified and revised to reflect the changes discussed above. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 1.

Section 4.1.2.3.2.4 Potential contamination. Equation used to calculate this factor has been revised as discussed above. A new table, Table 4–14, Dilution-Weighted Population Values for Potential Contamination Factor for Surface Water Migration Pathway, has been added to assign values, which are then added across different surface water body types and divided by 10 to derive the value for potentially contaminated population. The assigned values in Table 4–14 for each population range category were determined by statistical simulation to yield the same population value, on average, as the use of the formulas in the proposed rule. The use of range values has been added as part of the simplification discussed in section III A. The rounding rule has also been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 0.1.

Section 4.1.2.3.2.5 Calculation of population factor value. Explains how to combine values assigned to the three population groups. The rounding rule has also been changed, and the scoring cap was eliminated.

Section 4.1.2.3.3 Resources. As discussed in section III J of this preamble, this factor has been added to account for the potential impact of surface water contamination on resource uses.

Section 4.1.2.3.4 Calculation of drinking water threat—targets factor category value. Has been revised to reflect the changes in this factor category. The rounding rule has also been changed, and the scoring cap was eliminated.

Section 4.1.2.4 Calculation of drinking water threat score for a watershed. Text has been simplified. The divisor has changed.

Section 4.1.3 Human food chain threat. Descriptive text has been removed.

Section 4.1.3.1 Human food chain threat—likelihood of release. Section references have been changed.

Section 4.1.3.2 Human food chain threat—waste characteristics. Text has been simplified.

Section 4.1.3.2.1 Toxicity/persistence/bioaccumulation. Text has been simplified and modified because of the change in the use of bioaccumulation potential in selecting the substance potentially posing the greatest hazard.

Section 4.1.3.2.1.1 Toxicity. Has been changed to reference § 2.4.1.1. Also changed so that evaluation of toxicity is not limited to substances with the highest bioaccumulation potential.

Section 4.1.3.2.1.2 Persistence. Clarifies how to evaluate persistence for contaminated sediment sources, and adds coastal tidal waters as a category of surface water. Also changed so that evaluation of persistence is not limited to substances with the highest bioaccumulation potential.

Section 4.1.3.2.1.3 Bioaccumulation potential. As described in section III M of this preamble, the method of accounting for bioaccumulation potential in the selection of the substance potentially posing the greatest hazard has been changed. In the final rule, bioaccumulation potential is considered together with toxicity and persistence rather than as a primary selection criterion. This change was made because all three factors are now scored on linear scales. In addition, where data exist, separate bioconcentration factor values are assigned for salt water and fresh water; the text now clarifies that the higher of these values is used for fisheries in brackish water and for sites with fisheries present in both salt water and fresh water. The adjustment for biomagnification has been dropped because it tended to double count bioaccumulation. Both Table 4–15 (Table 4–14 in the proposed rule) and the text have been modified to clarify the data hierarchy for assigning bioaccumulation potential factor values. Also, Table 4–15 now makes it clear that the assigned values for bioaccumulation potential are on a linear scale.

Section 4.1.3.2.1.4 Calculation of toxicity/persistence/bioaccumulation factor value. Explains how to calculate a toxicity/persistence/bioaccumulation value. Table 4–16, Toxicity/Persistence/Bioaccumulation, has been added to assign the factor value.

Section 4.1.3.2.2 Hazardous waste quantity. References § 4.1.2.2.2.

Section 4.1.3.2.3 Calculation of human food chain threat—waste characteristics factor category value. Text has been revised to indicate the multiplication of the toxicity/persistence and hazardous waste quantity factor values, subject to a maximum, and the further multiplication of that product by the bioaccumulation potential factor value, subject to a maximum for this second product, and to reference the table for assigning the factor category value.

Section 4.1.3.3 Human food chain threat—targets. Has been revised to reflect addition of the new food chain individual and the deletion of the fishery use factor. As discussed in section III M of this preamble, criteria for establishing a fishery subject to actual contamination have been revised. Text was added to describe the additional tissue samples that can be used to establish Level I contamination.

Section 4.1.3.3.1 Food chain individual. As discussed in section III M of this preamble, this factor is new. This section explains how to assign a value to the factor.

Section 4.1.3.3.2 Population. Has been changed as discussed in section III M of this preamble.

Section 4.1.3.3.2.1 Level I concentrations. The approach to calculating this factor value has been revised as discussed in section III M of this preamble. The rounding rule has been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 10.

Section 4.1.3.3.2.2 Level II concentrations. Explains how to assign values as discussed in section III M of this preamble. The rounding rule has been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 1.

Section 4.1.3.3.2.3 Potential human food chain contamination. The approach to calculating this factor value has been revised as discussed in section III M of this preamble. The rounding rule has been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 0.1.

Section 4.1.3.3.2.4 Calculation of the population factor value. Text has been revised to omit the maximum. The rounding rule has been changed, and the scoring cap was eliminated.

Section 4.1.3.3.3 Calculation of human food chain threat—targets factor category value. Explains how to calculate the targets value. The rounding rule has been changed, and the scoring cap was eliminated.

Section 4.1.3.4 Calculation of human food chain threat score for a watershed. Text has been simplified. The divisor has changed.

Section 4.1.4 Environmental threat. Descriptive text has been removed.

Section 4.1.4.1 Environmental threat—likelihood of release. Section references have been changed.

Section 4.1.4.2 Environmental threat—waste characteristics. Descriptive text has been removed.

Section 4.1.4.2.1 Ecosystem toxicity/persistence/bioaccumulation. Text has been revised to include the addition of ecosystem bioaccumulation potential as a multiplicative factor.

Section 4.1.4.2.1.1 Ecosystem toxicity. The approach for evaluating ecosystem toxicity has been revised. Additions have been made to the data hierarchy (see section III J of this preamble), and a default value of 100 was added to cover the situation where appropriate aquatic toxicity data were unavailable for all of the substances being evaluated. Table 4–19 (proposed rule Table 4–23) has been revised to make the factor linear and to eliminate the rating category of 0 (except when data are unavailable for a given substance); these changes make the ecosystem toxicity factor more consistent with the toxicity factor in the other pathways and threats. Text was added to clarify the evaluation of ecosystem toxicity for brackish water.

Section 4.1.4.2.1.2 Persistence. Section references have been changed. Clarifies how to evaluate persistence for contaminated sediment sources, and adds coastal tidal waters as a category of surface water.

Section 4.1.4.2.1.3 Ecosystem bioaccumulation potential. As explained in section III J of this preamble, this factor is new for this threat and is evaluated similarly to (but with several key differences from) the bioaccumulation potential factor in the human food chain threat.

Section 4.1.4.2.1.4 Calculation of ecosystem toxicity/persistence/bioaccumulation factor value. Section references have been changed. Table 4–20 (proposed rule Table 4–24) has been changed to reflect the changes in the values for the factors. Table 4–21, Ecosystem Toxicity/Persistence/Bioaccumulation Values, is new and assigns values for the combined toxicity/persistence/bioaccumulation factor.

Section 4.1.4.2.2 Hazardous waste quantity. Section references have been changed.

Section 4.1.4.2.3 Calculation of environmental threat—waste characteristics factor category value. Text has been revised to indicate the multiplication of the ecosystem toxicity/persistence and hazardous waste quantity factor values, subject to a maximum, and the further multiplication of that product by the ecosystem bioaccumulation potential factor value, subject to a maximum for this second product, and to reference the table for assigning the factor category value.

Section 4.1.4.3 Environmental threat—targets. Descriptive text has been removed.

Section 4.1.4.3.1 Sensitive environments. Explains how to evaluate sensitive environments. Table 4–22, Ecological-Based Benchmarks for Hazardous Substances in Surface Water, has been revised as described in section III H of this preamble. The rounding rule has also been changed.

Section 4.1.4.3.1.1 Level I concentrations. Explains the new method of evaluating wetlands based on wetland frontage, or, in some situations, wetland perimeter. Table 4–23, Sensitive Environments Rating Values, has been revised as discussed in section III J of this preamble. Table 4–24, Wetlands Rating Values for Surface Water Migration Pathway, has been added to assign values to wetlands based on the total length of wetlands. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 10.

Section 4.1.4.3.1.2 Level II concentrations. Has been revised to reflect the method of evaluating wetlands. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 1.

Section 4.1.4.3.1.3 Potential contamination. Has been revised to reflect the method of evaluating wetlands. The rounding rule has also been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 0.1.

Section 4.1.4.3.1.4 Calculation of environmental threat—targets factor category value. Has been revised to remove the maximum from the targets factor category. The rounding rule has also been changed.

Section 4.1.4.4 Calculation of environmental threat score for a watershed. Divisor for the threat has changed. A cap of 60 was explicitly placed on the environmental threat score, which results in the same maximum possible threat score as in the proposed rule. (In the proposed rule, environmental threat targets were capped at 120, which resulted in an environmental threat score maximum of 60.) However, in the final rule the targets category is uncapped and can score higher than 120 to compensate for low scores in other factor categories.

Section 4.1.5 Calculation of overland flow/flood migration component score for a watershed. Explains how to calculate the score for the watershed.

Section 4.1.6 Calculation of overland flow/flood migration component score. Explains how to calculate the score for the component based on the highest watershed score (in the proposed rule watershed scores were summed).

Section 4.2 Ground water to surface water migration component. As discussed in section III M of this preamble, this component has been added to the rule to account for contamination of surface water bodies through ground water migration of hazardous substances. Thus, all sections referring to this component are new.

Section 4.2.1 General considerations.

Section 4.2.1.1 Eligible surface waters. Explains the conditions that must apply before this component is scored. In general, this component is scored only when there is a surface water within one mile of a source, the top of the uppermost aquifer is at or above the bottom of the surface water, and no aquifer discontinuity is established between the source and the portion of surface water within one mile of the source. Exceptions are also explained.

Section 4.2.1.2 Definition of the hazardous substance migration path for ground water to surface water migration component. Explains that the migration path is defined as shortest straight-line distance, within the aquifer boundary, from a source to surface water.

Section 4.2.1.3 Observed release of a specific hazardous substance to surface water in-water segment. Explains that before an observed release of an individual hazardous substance can be established to the surface water in-water segment, the substance must meet the criteria for an observed release both to ground water and to surface water (this requirement does not affect the actual scoring of observed release). Also clarifies the use of samples from the surface water in-water segment.

Section 4.2.1.4 Target distance limit. Explains the criteria for determining the target distance limit and for establishing whether targets are subject to actual or potential contamination.

Section 4.2.1.5 Evaluation of the ground water to surface water migration component. Explains the general approach for evaluating this component. Figure 4-2, Overview of Ground Water to Surface Water Migration Component, is new. Table 4-25, which is new, provides the scoring sheets for this component.

Section 4.2.2 Drinking water threat. Explains the general approach for evaluating this threat.

Section 4.2.2.1 Drinking water threat—likelihood of release. Explains the general approach for evaluating this factor category.

Section 4.2.2.1.1 Observed release. Explains that scoring an observed release is based on releases to ground water.

Section 4.2.2.1.2 Potential to release. Explains that scoring is based on the scoring of potential release to uppermost aquifer.

Section 4.2.2.1.3 Calculation of drinking water threat—likelihood of release factor category value. Explains how to assign the factor category value.

Section 4.2.2.2 Drinking water threat—waste characteristics. Explains the general approach for evaluating this factor category.

Section 4.2.2.2.1 Toxicity/mobility/persistence. Explains the approach for evaluating these factors.

Section 4.2.2.2.1.1 Toxicity. Explains that toxicity values are assigned to all hazardous substances available to migrate to ground water.

Section 4.2.2.2.1.2 Mobility. Explains that the mobility value is assigned to all hazardous substances available to migrate to ground water.

Section 4.2.2.2.1.3 Persistence. Explains that this factor value is assigned as in the drinking water threat for the overland flow/flood migration component for all hazardous substances available to migrate to ground water.

Section 4.2.2.2.1.4 Calculation of toxicity/mobility/persistence factor value. Explains that the factor value is the highest value assigned to any hazardous substance evaluated using Table 4-26, which is new.

Section 4.2.2.2.2 Hazardous waste quantity. Explains that hazardous waste quantity is calculated for hazardous substances available to migrate to ground water.

Section 4.2.2.2.3 Calculation of drinking water threat—waste characteristics factor category value. Explains how to calculate the factor category value.

Section 4.2.2.3 Drinking water threat—targets. Explains the general approach for evaluating this factor category.

Section 4.2.2.3.1 Nearest intake. Explains how to determine the dilution weight adjustment using Table 4-27, which was added, and how to assign factor values. Figure 4-3 was added to illustrate determination of the ground water to surface water angle. (See section III O of this preamble for a discussion of this adjustment.)

Section 4.2.2.3.2 Population. This section parallels other population factor sections.

Section 4.2.2.3.2.1 Level I concentrations. Parallels the population factor sections in the overland flow/flood migration component.

Section 4.2.2.3.2.2 Level II concentrations. Parallels the population factor sections in the overland flow/flood migration component.

Section 4.2.2.3.2.3 Potential contamination. Parallels the population factor sections in the overland flow/flood migration component, except for addition of the dilution weight adjustment.

Section 4.2.2.3.2.4 Calculation of population factor value. Parallels other population factor sections.

Section 4.2.2.3.3 Resources. Parallels other resources factor sections.

Section 4.2.2.3.4 Calculation of the drinking water threat—targets factor category value. Explains how to calculate the factor category value.

Section 4.2.2.4 Calculation of drinking water threat score for a watershed. Explains how to calculate the score for a watershed.

Section 4.2.3 Human food chain threat. Lists the factors evaluated.

Section 4.2.3.1 Human food chain threat—likelihood of release. Explains how to assign the factor category value.

Section 4.2.3.2 Human food chain threat—waste characteristics. Lists the factors evaluated.

Section 4.2.3.2.1 Toxicity/mobility/persistence/bioaccumulation. Explains how to calculate these factor values using Table 4-28, which is new.

Section 4.2.3.2.1.1 Toxicity. Explains how to calculate this factor value.

Section 4.2.3.2.1.2 Mobility. Explains how to calculate this factor value.

Section 4.2.3.2.1.3 Persistence. Explains how to calculate this factor value.

Section 4.2.3.2.1.4 Bioaccumulation potential. Explains how to calculate this factor value.

Section 4.2.3.2.1.5 Calculation of toxicity/mobility/persistence/bioaccumulation factor value. Explains how to calculate this value using Tables 3-9, 4-26, and 4-28.

Section 4.2.3.2.2 Hazardous waste quantity. Explains how to assign the factor value.

Section 4.2.3.2.3 Calculation of human food chain threat—waste characteristics factor category value. Explains how to calculate this factor category value.

Section 4.2.3.3 Human food chain threat—targets. Explains the factors to be evaluated.

Section 4.2.3.3.1 Food chain individual. Explains how to assign the factor value.

Section 4.2.3.3.2 Population. Explains how to calculate this factor value.

Section 4.2.3.3.2.1 Level I concentrations. Parallels the population factor in the human food chain threat for the overland flow/flood migration component.

Section 4.2.3.3.2.2 Level II concentrations. Parallels the population factor in the human food chain threat for the overland flow/flood migration component.

Section 4.2.3.3.2.3 Potential human food chain contamination. Parallels the population factor in the human food chain threat for the overland flow/flood component, except for addition of the dilution weight adjustment.

Section 4.2.3.3.2.4 Calculation of the population factor value. Explains how to calculate this factor value.

Section 4.2.3.3.3 Calculation of human food chain threat—targets factor category value. Explains how to calculate this factor category value.

Section 4.2.3.4 Calculation of human food chain threat score for a watershed. Explains how to calculate the score for a watershed.

Section 4.2.4 Environmental threat. Lists the factors evaluated.

Section 4.2.4.1 Environmental threat—likelihood of release. Explains how to calculate this factor category value.

Section 4.2.4.2 Environmental threat—waste characteristics. Explains how to calculate this factor category value.

Section 4.2.4.2.1 Ecosystem toxicity/mobility/persistence/bioaccumulation. Explains how to calculate these factor values.

Section 4.2.4.2.1.1 Ecosystem toxicity. Explains how to calculate this factor value.

Section 4.2.4.2.1.2 Mobility. Explains how to calculate this factor value.

Section 4.2.4.2.1.3 Persistence. Explains how to calculate this factor value.

Section 4.2.4.2.1.4 Ecosystem bioaccumulation potential. Parallels the ecosystem bioaccumulation evaluation in the overland flow/flood component, except expands the species considered as discussed in section III J.

Section 4.2.4.2.1.5 Calculation of ecosystem toxicity/mobility/persistence/bioaccumulation factor value. Explains how to calculate this factor value using Tables 3-9, 4-29, and 4-30, which were added.

Section 4.2.4.2.2 Hazardous waste quantity. Explains how to calculate this factor value.

Section 4.2.4.2.3 Calculation of environmental threat—waste characteristics factor category value. Explains how to calculate this factor category value.

Section 4.2.4.3 Environmental threat—targets. Explains how to calculate this factor category value.

Section 4.2.4.3.1 Sensitive environments. Explains how to calculate this factor value.

Section 4.2.4.3.1.1 Level I concentrations. Parallels factor sections in the overland flow/flood migration component.

Section 4.2.4.3.1.2 Level II concentrations. Parallels factor sections in the overland flow/flood migration component.

Section 4.2.4.3.1.3 Potential contamination. Parallels factor sections in the overland flow/flood migration component, except for addition of the dilution weight adjustment.

Section 4.2.4.3.1.4 Calculation of environmental threat—targets factor category value. Explains how to calculate the value for the factor category.

Section 4.2.4.4 Calculation of environmental threat score for a watershed. Explains how to calculate this threat score for a watershed.

Section 4.2.5 Calculation of ground water to surface water migration component score for a watershed. Explains how to calculate a watershed score for this component.

Section 4.2.6 Calculation of ground water to surface water migration component score. Explains how to calculate this score based on the scores for watersheds evaluated for this component.

Section 4.3 Calculation of surface water migration pathway score. Explains how to assign the pathway score.

In addition to the above noted changes, the recreational use threat has been eliminated. The drinking water use and other use factors have also been eliminated as have the tables (4-12 and 4-13 in the proposed rule) that related to scoring these factors. Figures 4-1, 4-2, and 4-3 as well as Tables 4-15, and 4-17 through 4-22 from the proposed rule have been eliminated.

Section 5 Soil Exposure Pathway

The soil exposure pathway evaluates threats resulting from contamination of surface material. The major changes specific to this pathway include revision of the name of the pathway; elimination of children under seven as a population that must be counted and evaluated separately; addition of hazardous waste quantity to the waste characteristics factor category; inclusion of workers in the evaluation of resident population targets; weighting of resident population based on benchmarks; inclusion of the nearest individual factor in both the resident and nearby targets factor category; inclusion of a resources factor in the resident population evaluation; and revisions to the sensitive environments factor.

Section 5.0 Soil Exposure Pathway. The name of the pathway has been changed from onsite exposure to soil exposure. Descriptive text has been removed. Figure 5-1 has been revised to reflect revisions to the factors evaluated. Table 5-1 has been revised to reflect the new factor category values throughout, which were made more consistent with the other pathways.

Section 5.0.1 General considerations. Has been revised to reflect the redefinition of source, discussed in section III N of this preamble. The methods for establishing areas of observed contamination and for determining the hazardous substances associated with an area of observed contamination have been clarified. The instructions have been revised to make clear that any part of a site that is covered by a permanent or otherwise maintained impermeable material such as asphalt is not considered in evaluating the pathway.

Section 5.1 Resident population threat. Has been revised to specify when the resident population threat should be evaluated. The requirements state that this threat is scored when there is an area of observed contamination within the property boundary and within 200 feet of a residence, school, day care center, or workplace, or within the boundaries of terrestrial sensitive environments and specified resources.

Section 5.1.1 Likelihood of exposure. Text has been simplified.

Section 5.1.2 Waste characteristics. Evaluation of waste characteristics has been changed to include hazardous waste quantity as well as toxicity. Hazardous waste quantity was added to the factor category in response to comments that the pathway did not consider the dose relationship; the combination of hazardous waste quantity and toxicity is a surrogate for that relationship and makes the pathway more consistent with the rest of the rule. The text has been revised to reflect the change.

Section 5.1.2.1 Toxicity. References the section explaining how to assign toxicity factor values.

Section 5.1.2.2 Hazardous waste quantity. This section is new and explains how to assign a value to this factor. Table 5-2, Hazardous Waste Quantity Evaluation Equations for Soil Exposure Pathway, is a revision of Table 2-14 from the proposed rule. This table differs from Table 2-5 of the final rule because generally only the top two feet of an area of observed contamination are considered in evaluating the pathway. Landfills, contaminated soils, waste piles, land treatment areas, dry surface impoundments, and buried/backfilled surface impoundments, which can be evaluated based on their volume in Table 2-5, are evaluated for this pathway using the area measure because the area measure now has a two-foot depth built into the equation. Surface impoundments containing hazardous substances present as liquids, tanks, and containers may be evaluated based on volume because it is possible that a person could wade, swim, reach, or fall to a depth greater than two feet.

Section 5.1.2.3 Calculation of waste characteristics factor category value. Explains how to combine the toxicity and hazardous waste quantity factor values, subject to the new maximum.

Section 5.1.3 Targets. This factor category has been revised substantially. As discussed in section III N above, the high-risk target population has been eliminated, and workers have been added as targets. Table 5-3, Health-Based Benchmarks for Hazardous Substances in Soils, has been added to list benchmarks appropriate for this pathway.

Section 5.1.3.1 Resident individual. The resident individual factor has been added for consistency with other pathways.

Section 5.1.3.2 Resident population. Explains how to evaluate the resident population using health-based benchmarks, described in section III H above, and how to estimate this population.

Section 5.1.3.2.1 Level I concentrations. Explains how to assign a value for this new factor.

Section 5.1.3.2.2 Level II concentrations. Explains how to assign a value for this new factor.

Section 5.1.3.2.3 Calculation of resident population factor value. Explains how to calculate this factor value.

Section 5.1.3.3 Workers. Explains how to evaluate workers.

Section 5.1.3.4 Resources. Explains how to assign values if the area of observed contamination includes land used for commercial agriculture, commercial silviculture, or commercial livestock grazing or production.

Section 5.1.3.5 Terrestrial sensitive environments. The value assigned for this factor has been revised so that the value is based on the sum of the values assigned to terrestrial sensitive environments in areas of observed contamination, rather than on the highest scoring terrestrial sensitive environment. The maximum value that can be assigned to this factor is limited, but is higher than under the proposed rule. The limit is determined by scoring the pathway with only sensitive environments in the targets factor category; the pathway score under these conditions may not exceed 60 points. The sensitive environments listed in Table 5-5 have been modified. The text has been simplified and references changed to correspond to changes in the rule. The rounding rule has been changed.

Section 5.1.3.6 Calculation of resident population targets factor category value. Explains how to calculate the factor category value from the revised factors. The rounding rule has been changed.

Section 5.1.4 Calculation of resident population threat score. Has only minor editorial changes.

Section 5.2 Nearby population threat. Introductory text has been clarified.

Section 5.2.1 Likelihood of exposure. Lists the factors evaluated.

Section 5.2.1.1 Attractiveness/accessibility. As explained in section III N of this preamble, the name of this factor has changed as have the criteria used to assign values. This factor now emphasizes the use of the area by the general public. Descriptive text has been removed. Table 5-6 (proposed rule Table 5-4) has been changed by redefining the criteria and the assigned values, and by adding a value of 0 for sites that are physically inaccessible to the public.

Section 5.2.1.2 Area of contamination. The title of this section has been changed. This factor is now based solely on area of contamination, which relates to the likelihood of exposure, unlike hazardous waste quantity, which serves as part of the surrogate for dose. Values are assigned using Table 5-7, which is new.

Section 5.2.1.3 Likelihood of exposure factor category value. Text has been revised to reflect the new names of the factors. Table 5-8 (proposed rule Table 5-5) has been revised in response to the changes noted above for the attractiveness/accessibility and area of contamination factors.

Section 5.2.2 Waste characteristics. Text has been revised to reflect changes in the factor category.

Section 5.2.2.1 Toxicity. Explains how to evaluate the toxicity factor for the nearby population threat.

Section 5.2.2.2 Hazardous waste quantity. This section is new, as is consideration of this factor in this threat. As discussed above, this factor has been added in response to comments and to make the pathway more consistent with the other pathways. The section explains how to assign the factor value.

Section 5.2.2.3 Calculation of waste characteristics factor category value. Explains how to combine the toxicity and hazardous waste quantity factor values, subject to the new maximum.

Section 5.2.3 Targets. Descriptive text has been removed.

Section 5.2.3.1 Nearby individual. This section is new and explains how to assign a value to the nearby individual (i.e., resident or student with shortest travel distance) if there is no resident individual. The factor has been added to make the nearby threat consistent with other pathways. Table 5-9, Nearby Individual Factor Values, is new.

Section 5.2.3.2 Population within one mile. This section is new and includes the text that previously appeared under the Targets section. The section explains how to assign a value using Table 5-10. The text has been revised for clarity. Table 5-10, Distance-Weighted Population Values for Nearby Population Threat, is new. The table assigns distance-weighted values for population in each travel distance category. The values in the table were determined by statistical simulation to yield the same population, on average, as the use of the formulas in the proposed rule. The distance weights have been modified as follows: for travel distance of >0 to ¼ mile, the assigned distance weight is 0.025; for > ¼ to ½ mile, 0.0125, and for > ½ to 1 mile, 0.00625. The use of population ranges has been adopted as part of the simplification discussed in section III A.

Section 5.2.3.3 Calculation of nearby population targets factor category value. Text has been revised to reflect the changes in the targets factor category and in the rounding rule.

Section 5.2.4 Calculation of nearby population threat score. Minor editorial changes only.

Section 5.3 Calculation of the soil exposure pathway score. Has been changed to reflect the change in the value used as a divisor.

In addition to the above noted changes, Figures 5-2 and 5-3 and Tables 5-4 and 5-6 from the proposed rule have been removed.

Section 6 Air Migration Pathway

The air migration pathway evaluates the relative threat resulting from releases or potential releases of hazardous substances, either as gases or particulates, to the air. The major changes specific to this pathway include separate evaluation of gas and particulates in the likelihood to release factor category; inclusion of benchmarks to evaluate population and the nearest individual; weighting of sensitive environments based on actual or potential contamination; revision of the distance weights; deletion of the land use factor and inclusion of a resources factor in the evaluation of population; and revisions to the mobility factor.

Section 6.0 Air Migration Pathway. Descriptive text has been removed. Figure 6–1 has been revised to reflect revisions to the factors evaluated, and Table 6–1 has been revised to reflect the new factor category values throughout.

Section 6.1 Likelihood of release. Has been revised to eliminate explanatory text and to add instructions about which factors to evaluate for this factor category.

Section 6.1.1 Observed release. As discussed in section III G of this preamble, the specific criteria have been revised.

Section 6.1.2 Potential to release. As explained in section III O of this preamble, the method for evaluating this factor has been revised. Gas potential to release and particulate potential to release are evaluated separately. The explanatory text has been removed.

Section 6.1.2.1 Gas potential to release. Explains how this factor is evaluated. Table 6–2 (proposed rule Table 2–3) has been revised to apply only to the gas potential to release factors.

Section 6.1.2.1.1 Gas containment. Descriptive text has been removed. Table 6–3 (proposed rule Table 2–5) has been simplified. The depth requirements and other containment requirements have been revised based on public comment, the field test, and a review of recent information on covering systems. Consideration of biogas releases has been added. Assigned values have been revised and also reflect the revised maximum value for the factor.

Section 6.1.2.1.2 Gas source type. New source types have been added to Table 6–4 (proposed rule Table 2–6), and the assigned values have been revised. As explained in section III O of this preamble, new source types and subgroups for specific types have been added, in response to comments and the field test, to make this factor easier to evaluate. Treatment of sources when no source meets the minimum size has been clarified.

Section 6.1.2.1.3 Gas migration potential. As explained in section III O of this preamble, this section has been renamed and the approach for assigning values changed slightly. This section explains how to assign values to each substance and subsequently to the source using Tables 6–5, 6–6, and 6–7. Dry soil relative volatility has been removed as a measure of gas migration potential. The footnotes have been removed from Table 6–5 (proposed rule Table 2–7) and the name has been changed to "Values for Vapor Pressure and Henry's Constant." The titles of Tables 6–6 and 6–7 have been changed. The values assigned have also been changed to reflect the revised maximum value for the factor category. Descriptive text has been removed.

Section 6.1.2.1.4 Calculation of gas potential to release value. Explains how to calculate this value.

Section 6.1.2.2 Particulate potential to release. Explains how this factor is evaluated. Table 6–8 (proposed rule Table 2–3) has been revised to apply only to the particulate potential to release factors.

Section 6.1.2.2.1 Particulate containment. References Table 6–9 (Table 2–5 from the proposed rule). The criteria and values assigned using this table have been changed, as discussed in section III O of this preamble. Considerations of depth have been added for particulates.

Section 6.1.2.2.2 Particulate source type. In response to comments, new kinds of source types and subgroups of source types have been added to make this factor easier to score. The values assigned have been revised to reflect the changed factor category maximum. Treatment of sources when no source meets the minimum size has been clarified.

Section 6.1.2.2.3 Particulate migration potential. Has been renamed. Descriptive text has been removed. Proposed rule Figure 2–3 has been simplified, expanded, and renumbered as Figure 6–2. Proposed rule Table 2–9 has been renumbered as Table 6–10.

Section 6.1.2.2.4 Calculation of particulate potential to release value. Describes how to calculate this value.

Section 6.1.2.3 Calculation of potential to release factor value for the site. Text has been simplified and modified to account for gas and particulate potential to release.

Section 6.1.3 Calculation of likelihood of release factor category value. Describes calculation procedure.

Section 6.2 Waste characteristics. Descriptive text has been removed.

Section 6.2.1 Toxicity/mobility. Text has been simplified.

Section 6.2.1.1 Toxicity. Descriptive text has been removed and § 2.4.1.1 is referenced.

Section 6.2.1.2 Mobility. As explained in section III F of this preamble, the scoring of this factor has changed. Gas mobility is now based only on vapor pressure. The maximum value assigned for particulate mobility is no longer the same as the maximum assigned for gas mobility. The particulate mobility values are assigned based on Figure 6–3 or the equation in the text along with Table 6–12. The values assigned have been put on linear scales to be consistent with the new structure of the waste characteristics factor category. The text has been simplified.

Section 6.2.1.3 Calculation of toxicity/mobility factor value. Table 6–13, proposed rule Table 2–12, the matrix for assigning toxicity/mobility factor values has been revised to reflect the changes in values assigned to both factors.

Section 6.2.2 Hazardous waste quantity. Descriptive text has been removed and § 2.4.2 is referenced.

Section 6.2.3 Calculation of waste characteristics factor category value. The text has been revised to indicate the multiplication of the component factors, the new maximum value, and the table used to assign the factor category value.

Section 6.3 Targets. The target distance limit has been modified to include targets beyond four miles when an observed release extends beyond that distance. Text has been added to explain how to evaluate populations and sensitive environments exposed to actual contamination. Text was added to clarify that actual contamination based on an observed release established by direct observation should be considered Level II. Table 6–14, Health-Based Benchmarks for Hazardous Substances in Air, has been added to list the benchmarks used for this pathway. Table 6–15, Air Migration Pathway Distance Weights (proposed rule Table 2–16), has been revised to reflect changes in the distance weights discussed in section III O of this preamble.

Section 6.3.1 Nearest individual. The title has been changed from maximally exposed individual. As discussed above, this factor is now evaluated based on actual contamination and potential contamination. The name of Table 6–16 (proposed rule Table 2–15) has been changed and the values have been revised based on changes to the distance weights. Descriptive text has been removed.

Section 6.3.2 Population. Evaluation of population based on health-based benchmarks has been added as discussed in section III H of this preamble.

Section 6.3.2.1 Level of contamination. Explains how to evaluate population based on concentrations of hazardous substances in samples.

Section 6.3.2.2 Level I concentrations. Explains how to evaluate populations exposed to Level I concentrations. The scoring cap was eliminated, and the multiplier (i.e., weight) is now 10.

Section 6.3.2.3 Level II concentrations. Explains how to evaluate populations exposed to Level II concentrations.

Section 6.3.2.4 Potential contamination. Explains how to assign values to populations potentially exposed to contamination from the site. The formula for calculating population values has been revised. Table 6-17, which assigns distance-weighted values for populations in each distance category, has been added. The values in the table were determined by statistical simulation to yield the same population, on average, as the use of the formulas in the proposed rule. The use of population ranges has been adopted as part of the simplification discussed in section III A. The rounding rule has been changed, the scoring cap was eliminated, and the multiplier (i.e., weight) is now 0.1.

Section 6.3.2.5 Calculation of the population factor value. Explains how to calculate the factor value. The scoring cap was eliminated.

Section 6.3.3 Resources. Explains how to assign points to resources, which in this pathway is based on the presence of commercial agriculture, commercial silviculture, and major or designated recreation areas.

Section 6.3.4 Sensitive environments. Explains how sensitive environments are evaluated based on actual and potential contamination. The maximum value that can be assigned to this factor is limited, but is greater than in the proposed rule. The limit is determined by scoring the pathway with only sensitive environments in the targets factor category; the pathway score under these conditions may not exceed 60 points.

Section 6.3.4.1 Actual contamination. Explains how to assign factor values for sensitive environments subject to actual contamination and how to assign values to wetlands based on total acreage. A new Table 6-18, Wetlands Rating Values for the Air Migration Pathway, has been added to assign values to wetlands based on acreage.

Section 6.3.4.2 Potential contamination. Explains how to calculate the factor value for potentially contaminated sensitive environments and how to assign values to wetlands based on total acreage within each distance category. The rounding rule has been changed.

Section 6.3.4.3 Calculation of sensitive environments factor value. Explains how to calculate the factor value. The rounding rule has been changed.

Section 6.3.5 Calculation of targets factor category value. Text has been revised to reflect the new names for factors.

Section 6.4 Calculation of air migration pathway score. Text has been revised to reflect the new divisor.

In addition to the above noted changes, the land use factor, Figure 2-2, and Tables 2-2, 2-3, 2-13, 2-17, and 2-19 in the proposed rule have been removed.

Section 7 Sites Containing Radioactive Substances

This entire part of the rule is new. As discussed in section III E of the preamble, this section has been added to provide direction on evaluating sites containing radioactive substances. Table 7-1 lists factors evaluated differently for such sites.

Section 7.1 Likelihood of release/ likelihood of exposure. Explains the approach to evaluating the factor category.

Section 7.1.1 Observed release/ observed contamination. Explains how to evaluate observed release (observed contamination) for radionuclides. The evaluation differs for radionuclides that occur naturally or are ubiquitous in the environment, for man-made radionuclides without ubiquitous background concentrations in the environment, and for gamma-emitting radionuclides in the soil exposure pathway. This section also explains the appropriate procedures for sites with mixed radioactive and other hazardous substances.

Section 7.1.2 Potential to release. Explains that potential to release factors are evaluated on the physical and chemical properties of radionuclides, not their radioactivity.

Section 7.2 Waste characteristics. Lists the factors evaluated.

Section 7.2.1 Human toxicity. Explains how to assign toxicity values to radioactive substances and describes appropriate procedures for sites containing mixed radionuclides and other hazardous substances.

Section 7.2.2 Ecosystem toxicity. Explains that ecosystem toxicity for radionuclides is assigned a value in the same way as is human toxicity except that the default value is 100 rather than 1,000.

Section 7.2.3 Persistence. Explains that radioactive substances are assigned persistence values based solely on half-life—radioactive half-life and volatilization half-life. Explains how to evaluate persistence for mixed radioactive and other hazardous substances.

Section 7.2.4 Selection of the substance potentially posing greatest hazard. The section explains how to select the substance potentially posing the greatest hazard.

Section 7.2.5 Hazardous waste quantity. Explains how to evaluate the hazardous waste quantity factor for sites containing radioactive substances.

Section 7.2.5.1 Source hazardous waste quantity for radionuclides. Describes differences between the migration pathways and the soil exposure pathway.

Section 7.2.5.1.1 Radionuclide constituent quantity (Tier A). Explains how to evaluate radionuclide constituent quantity for radionuclides.

Section 7.2.5.1.2 Radionuclide wastestream quantity (Tier B). Explains how to evaluate radionuclide wastestream quantity for radionuclides.

Section 7.2.5.1.3 Calculation of source hazardous waste quantity value for radionuclides. Explains how to assign a source value.

Section 7.2.5.2. Calculation of hazardous waste quantity factor value for radionuclides. Explains how to calculate the hazardous waste quantity factor value for radionuclides and describes use of the minimum value, which is either 10 or 100 (as described in section 2.4.2.2 above).

Section 7.2.5.3 Calculation of hazardous waste quantity factor value for sites containing mixed radioactive and other hazardous substances. Explains how to calculate the factor value for these sites.

Section 7.3 Targets. Explains how to evaluate targets at sites containing radioactive substances and sites containing radioactive and other hazardous substances.

Section 7.3.1 Level of contamination at a sampling location. Explains how to determine the appropriate level of contamination.

Section 7.3.2 Selection of benchmarks and comparisons with observed release/observed contamination. This section lists the benchmarks and explains how they are used in determining the level of contamination.

V. Required Analyses

A. Executive Order No. 12291

Under Executive Order No. 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirement of a Regulatory Impact Analysis. The rule published today is not major because the rule will not result in an effect on the economy of $100 million or more, will not result in increased costs or prices, will not have significant adverse effects on competition, employment, investment, productivity, and innovation, and will not significantly disrupt domestic and export markets.

To estimate the costs associated with the final rule, a final economic analysis entitled "Economic Impact Analysis of the Revised Hazard Ranking System" was prepared as an addendum to the December 1987 economic impact analysis (EIA) to incorporate new data. As in the January 1988 EIA, the total annual cost of implementing the final rule is estimated as a function of the number of Screening SIs (SSI) and Listing SIs (LSI) that will be conducted annually and the unit cost of each. In the January 1988 EIA, estimates of total costs were developed assuming 1,130 SSIs and 100 LSIs would be conducted annually. The Agency now estimates that 1,100 SIs will be conducted annually (EPA is no longer using the terms SSI and LSI). The total annual cost is estimated to be $78.8 million, the sum of the cost of conducting 1,000 SIs at a unit cost of $55,000, 70 SIs for NPL sites (without monitoring wells) at a unit cost of $100,000, and 30 SIs for NPL sites (with monitoring wells) at a unit cost of $160,000.

To estimate the incremental cost of implementing the final revised version of the HRS, the unit cost of conducting all preremedial listing activities using the current HRS from the January 1988 EIA is updated. That cost was estimated to be $58,200 in the January 1988 EIA, and was developed assuming the PA had already been conducted. The 1988 estimate is a function of 480 hours of Field Investigation Team (FIT) technical time valued at $40 per hour and 30 samples being evaluated at a unit cost of $1,300 per sample. To compare the costs of the current HRS to those developed above for the final revised version of the HRS, the FIT technical time is valued at $50 per hour and each sample evaluation is estimated to cost $1,000. The revised total cost of conducting all listing activities beyond the PA for the current HRS, therefore, is estimated to be $54,000. In addition, the average level of effort for a PA under the current HRS is estimated to be 60 hours, and the unit cost of the PA, assuming a $50 FIT hourly rate, is estimated to be $3,000.

Based on these revisions, the annual cost of using the current HRS is estimated to be $65.4 million, the sum of the cost of conducting 2,000 PAs at a unit cost of $3,000 ($6 million) and the cost of conducting 1,100 SIs at a unit cost of $54,000 ($59.4 million). Compared to the current HRS, the annual incremental cost of using the final revised version of the HRS is estimated to be $13.4 million. On the basis of this evaluation, implementing the final revised version of the HRS would not constitute a major rule, because the annual incremental cost of the final rule is less than $100 million. No negative economic effects are anticipated from this rule.

B. Regulatory Flexibility Determination

Appendix A of the December 1987 EIA includes an assessment of the ability of responsible parties to pay the costs of HRS scoring under the current HRS and the three alternative scoring mechanisms considered at that time. That analysis evaluated the impact of HRS costs under each ranking methodology on the financial viability of 15 sample companies. Under that analysis, only the smallest sample firm (one with an average net income of $53,700) was expected to have difficulty in paying the costs of conducting a complete SI under each of the alternative ranking scenarios. The new unit cost of a complete SI developed during the Phase I field test and used in this economic analysis falls within the range of costs already evaluated in appendix A of the December 1987 EIA. Given the previous analysis, EPA concludes that most sample firms are healthy enough financially to be able to afford the expenditures associated with HRS site inspections. Responsible Parties (RPs) that are financially similar to the smallest firm (Firm 15 in appendix A of the December 1987 RIA), however, do not have the assets or the income to enable them to assume payments similar to the estimates derived for the SI done under the current HRS or the final revised version of the HRS.

The Regulatory Flexibility Act of 1980 requires that Federal agencies explicitly consider the effects of proposed and existing regulations on small entities and examine alternative regulations that would reduce significant adverse impacts on small entities. The small entities that could be affected by the revisions to the HRS are small businesses and small municipalities that are responsible for hazardous wastes at a site. Based on the updated analysis presented here, EPA concludes that using the final rule is unlikely to result in a significant impact on a substantial number of small entities. As discussed in the December 1987 EIA, this conclusion is drawn because small firms are no more or less likely to be responsible parties than are large firms. In addition, when they are RPs, small firms usually are one of several companies responsible for a site and probably would not bear the full burden of liability for HRS expenditures and other cleanup costs.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2050–0095.

Public reporting burden for this collection of information is estimated to be 620 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM—U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

D. Federalism Implications

E.O. 12612 requires agencies to assess whether a regulation will have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPA has determined that this regulation does not have federalism implications and that, therefore, a Federalism Assessment is not required.

List of Subjects in 40 CFR Part 300

Air pollution controls, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: November 9, 1990.

William K. Reilly,

Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 33 U.S.C. 1321(c)(2); E.O. No. 117535, 38 FR 21243; E.O No. 12580, 52 FR 2923.

2. Part 300, appendix A is revised to read as follows:

ATTACHMENT B:

Federal Register Vol. 82, No. 5. January 9, 2017.

Addition of a Subsurface Intrusion Component to the Hazard Ranking System. 40 CFR Part 300 Preamble

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2010–1086; FRL–9956–58–OLEM]

RIN 2050–AG67

Addition of a Subsurface Intrusion Component to the Hazard Ranking System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is adding a subsurface intrusion (SsI) component to the Hazard Ranking System (HRS), which is the principal mechanism that EPA uses to evaluate sites for placement on the National Priorities List (NPL). The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. Sites on the NPL are priorities for further investigation to determine if further response actions are warranted. The subsurface intrusion component (this addition) expands the number of available options for EPA and state and tribal organizations performing work on behalf of EPA to evaluate actual and potential threats to public health from releases of hazardous substances, pollutants, or contaminants. This addition enables EPA to directly consider human exposure to hazardous substances, pollutants, or contaminants that enter regularly occupied structures through subsurface intrusion in assessing a site's relative risk, and thus, enable sites with subsurface intrusion contamination to be evaluated for placement on the NPL.

DATES: This final rule is effective February 8, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–SFUND–2010–1086. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov* or in hard copy at the EPA Docket Center Reading Room (see *https://www.epa.gov/dockets/epa-docket-center-reading-room* for more information).

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mail Code 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC metropolitan area.

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Statutory Authority for Regulatory Change

EPA has revised the HRS, the principal mechanism for placing sites on the NPL, to add a component for evaluating the threat or potential threat posed by subsurface intrusion to protect human health and the environment. Without an evaluation of threats posed by subsurface intrusion contamination, the HRS is not a complete assessment because it omits a known pathway of human exposure to contamination. The addition of subsurface intrusion to the HRS is compliant with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 105(a)(8)(A), which requires EPA to prioritize sites based on "the population at risk, the hazard potential of hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact [and] the potential for destruction of sensitive ecosystems. This addition to the HRS also improves the agency's ability to identify priority sites for further investigation and enhances EPA's ability, in dialogue with other federal agencies and the states and tribes, to determine the most appropriate state or federal authority to address sites. For information on alternatives to this rulemaking that were considered for addressing subsurface intrusion contamination, please see the preamble to the proposed HRS SsI Addition [81 FR 10372, February 29, 2016].

Additionally, the Government Accountability Office (GAO) stated in its May 2010 report[1]:

EPA may not be listing some sites that pose health risks that are serious enough that the sites should be considered for inclusion on the NPL. While EPA is assessing vapor intrusion contamination at listed NPL sites, EPA does not assess the relative risks posed by vapor intrusion when deciding which sites to include on the NPL. By not including these risks, states may be left to remediate those sites without federal assistance, and given states' constrained budgets, some states may not have the ability to clean up these sites on their own . . . However, if these sites are not assessed and, if needed, listed on the NPL, some seriously contaminated hazardous waste sites with unacceptable human exposure may not otherwise be cleaned up.

The authority for these technical modifications to the HRS is in section 105(a)(8)(A) of CERCLA enacted in 1980. Under CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300) must include criteria for determining priorities among releases or threatened releases for the purpose of taking remedial or removal actions. Section 105(a)(8)(A) of CERCLA required EPA to establish:

[C]riteria for determining priorities among releases or threatened releases [of hazardous substances] throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities . . . shall be based upon relative risk or danger to public health or welfare or the environment. . .taking into account to the extent possible the population at risk, the hazard potential of hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact [and] the potential for destruction of sensitive ecosystems. . . .

To meet this requirement and provide criteria to set priorities, EPA adopted the HRS as Appendix A to the NCP (47 FR 31180, July 16, 1982). The HRS was last revised on December 14, 1990 (55 FR 51532) to include the evaluation of additional threats to ensure a complete assessment of the relative risk that a site may pose to the public. Section 105(a)(8)(B) of CERCLA requires that the statutory criteria described in section 105(a)(8)(A) be used to prepare a list of national priorities among the known releases, or threatened releases throughout the United States. The NPL is Appendix B of the NCP (40 CFR 300, Appendix B).

In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99–499), which added section 105(c)(1) to CERCLA, requiring EPA to amend the HRS to assure "to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review." In addition, CERCLA section 115 authorizes EPA to promulgate any regulations necessary to carry out the provisions of CERCLA.

Furthermore, the Congressional Conference Report on SARA included the absolute standard against which HRS revisions could be assessed:

This standard is to be applied within the context of the purpose for the National Priorities List; *i.e.,* identifying for the States and the public those facilities and sites which appear to warrant remedial actions. * * * This standard does not, however, require the Hazard Ranking System to be equivalent to detailed risk assessments, quantitative or qualitative, such as might be performed as part of remedial actions. The standard requires the Hazard Ranking System to rank sites as accurately as the Agency believes is feasible using information from preliminary assessments and site inspections * * * Meeting this standard does not require long-term monitoring or an accurate determination of the full nature and extent of contamination at sites or the projected levels of exposure such as might be done during remedial investigations and feasibility studies. This provision is intended to ensure that the Hazard Ranking System performs with a degree of accuracy appropriate to its role in expeditiously identifying candidates for response actions. [H.R. Rep. No. 962, 99th Cong., 2nd Sess. at 199–200 [1986]]

When the HRS was last revised in 1990, the technology to detect and evaluate subsurface intrusion threats was not sufficiently developed. For example, there were no health-based benchmark concentration values for residences or standardized technologies for sampling indoor air, precision of analytical equipment prior to computerization was limited, and associations between contaminated ground water and soil vapors were not well understood. However, it is now possible for subsurface intrusion threats to be evaluated in a more comprehensive manner. Therefore, it is now appropriate, given the potential that subsurface intrusion presents for direct human contact, to add to the HRS the consideration of threats due to subsurface intrusion.

This final rule ensures the HRS does not omit a known pathway of human exposure to contamination due to subsurface intrusion of released hazardous substances and provides a mechanism for assessing subsurface intrusion threats and identifying sites for placement on the NPL. Furthermore, these sites are now eligible for Superfund-financed remedial actions.

II. Background

The HRS is a crucial part of the agency's program for determining which sites are a priority for further remedial investigation and possible cleanup under CERCLA. To understand the importance of this rulemaking it is necessary to understand the role of the HRS in identifying sites for the NPL, the role of the HRS in the overall site assessment and Superfund remedial process, and this final rule's impacts on current and future Superfund activities. In addition, it is also necessary to understand the impact of adding the SsI component to the HRS.

A. The Hazard Ranking System

The HRS is a scoring system used to assess the relative risk associated with actual or potential releases of hazardous substances from a site based on the information that can be collected in a preliminary assessment (PA) and site inspection (SI). The HRS is not a tool for conducting a quantitative risk assessment and was designed to be a measure of relative risk among sites rather than absolute site-specific risk. As required by CERCLA, EPA has designed the Superfund program to focus its resources on the priority sites. Consequently, the initial studies—the PA and SI—which are performed on a large number of sites, are relatively modest in scope and cost compared to the remedial investigations and feasibility studies subsequently performed on NPL sites.

Because of the need to expeditiously perform PAs and SIs, Congress placed certain constraints on the data requirements for an HRS evaluation. The required HRS data should be information that, for most sites, can be collected during a screening level site inspection or that are already available. Thus, the HRS does not rely on data that require extensive sampling or repeated sampling over extended periods of time. However, EPA allows for the expansion of the typical SI to allow for additional data collection for more complex sites that cannot be adequately characterized using standard SI methodologies. The HRS has also been designed so that it can be applied consistently to a wide variety of sites, enabling sites to be

[1] EPA's Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels, and More Sites are Expected to Be Added to the National Priorities List, GAO Report to Congressional Requesters, GAO–10–380, May 2010.

ranked relative to each other with respect to actual or potential hazards.

Based on the state of the science, site specific data may be collected beyond that which is normally available after a typical site inspection. In these situations, the HRS in general, and the SsI component, can incorporate that data into the HRS evaluation. For example, the SsI component can use site-specific data as follows:

- Determination of the Hazardous Waste Quantity Factor Value—If the mass of all hazardous substances can be adequately determined (*i.e.,* is known or can be estimated with reasonable confidence), the HRS requires this estimate (identified as a Tier A estimate) be used to assign the hazardous waste quantity for all regularly occupied structures in an area of exposure (AOE) for which this information is available. See section 2.4.2 and 5.2.1.2.2 of the HRS.
- Determining the extent of an ASC—If sufficient data are available and state of the science shows there is no unacceptable risk due to subsurface intrusion into a regularly occupied structure located within an ASC, that structure or subunit can be excluded from the ASC. Therefore, such structures would not be included in the evaluation of the Hazardous Waste Quantity Factor or in the determination of other factors evaluated based on structures or subunits within an ASC. See section 5.2.0 of the HRS.
- Populations within the ASC—If sufficient structure-specific concentration data is available and state of the science shows there is no unacceptable risk of exposure to populations in a regularly occupied structure in an ASC, those populations are not included in the evaluation of the Targets Factor Category. See section 5.2.1.3 of the HRS.

EPA notes that if other site-specific information is available that clearly demonstrates that the site does not pose an unacceptable risk to human health via subsurface intrusion, there are points during the PA or SI process, where further evaluation of the site for the subsurface intrusion threat by the Superfund program can be terminated. Please see section B. of this preamble for further information on the Site Assessment process.

As EPA explained when it originally adopted the HRS, "the HRS is a means for applying uniform technical judgment regarding the potential hazards presented by a facility relative to other facilities. It does not address the feasibility, desirability, or degree of cleanup required." (47 FR 31220, July 16, 1982).

The HRS uses a structured value analysis approach to scoring sites. This approach assigns values to factors related to or indicative of risk. The basic elements of the HRS are factors that are based on information that can be collected in a limited screening assessment. A scale of numerical rating values is provided for each factor and a value is assigned to each factor based on conditions at the site. Individual values are then weighted. The factors are grouped into three factor categories—observed release/route characteristics, waste characteristics, and targets—and are combined to obtain factor category scores. Each factor category has a maximum value, as does each of the component factors within the category. The relevant factor category scores are multiplied together within each pathway and normalized to obtain a pathway score. The pathway scores are combined using a root-mean-square approach to calculate the overall site score; that is, the final HRS score is the square root of the sum of the squares of the pathway scores divided by the square root of the number of HRS pathways. If all pathway scores are low, the HRS score will be low. However, the final score will be relatively high even if only one pathway score is high. EPA considers this an important requirement for the HRS scoring because some extremely dangerous sites pose threats through only one migration mode. For example, at a site, leaking drums of hazardous substances may be contaminating drinking water wells, thereby posing a significant threat via the groundwater migration pathway. But if the drums are buried deeply enough and the hazardous substances are not very volatile, the drums may not release any hazardous substances and not pose a threat to the air or to surface water.

EPA emphasizes that the HRS score is a number between 0 and 100, which reflects relative risk amongst candidate NPL sites. An HRS site score is not a measure of actual site-specific risk.

B. Site Assessment and the Superfund Remedial Process

EPA's Superfund remedial site assessment process evaluates sites to ascertain if further investigation is needed for determining whether an unacceptable risk is present.

The majority of sites evaluated through the EPA's site assessment program do not meet the criteria for possible placement on the NPL and are "screened out" of the Superfund Remedial process. (See Figure 1. Status of EPA's Site Assessments). Since EPA adopted the HRS, 52, 859 sites have been assessed under EPA's Superfund program. Of those sites, 1,782 were placed on the NPL, as of September 2016.

Site Assessment Strategy

The site assessment process is structured as a series of limited investigations which may include: (1) A Pre-CERCLA screening assessment; (2) a preliminary assessment; and (3) a site inspection or expanded site inspection (Figure 2. Site Assessment Process, below, illustrates this process). If a site progresses through the site assessment process for further investigation, the requirements for documenting risk become increasingly rigorous. The following includes a summary of the major phases of the site assessment process.

- A Pre-CERCLA Screening is an initial review of existing information on a possible Superfund site. If a release of a hazardous substance has occurred or if the potential of a hazardous substance to release exists the site may be eligible for further remedial evaluation under CERCLA authority. If further evaluation is warranted the site should be entered into the remedial assessment active site inventory for further assessment.
- The PA decision process parallels an HRS analysis, but makes environmental "worst-case" assumptions of possible significant risk regarding transport of contamination to receptors based on minimal available information and professional judgment.
- The SI collects information to confirm the accuracy of the PA assumptions. The information should be sufficient to support an HRS evaluation with minimal further investigation.
- If placement on the NPL is pursued, the information collected during the SI provides the basis for supporting the HRS scoring scenario.

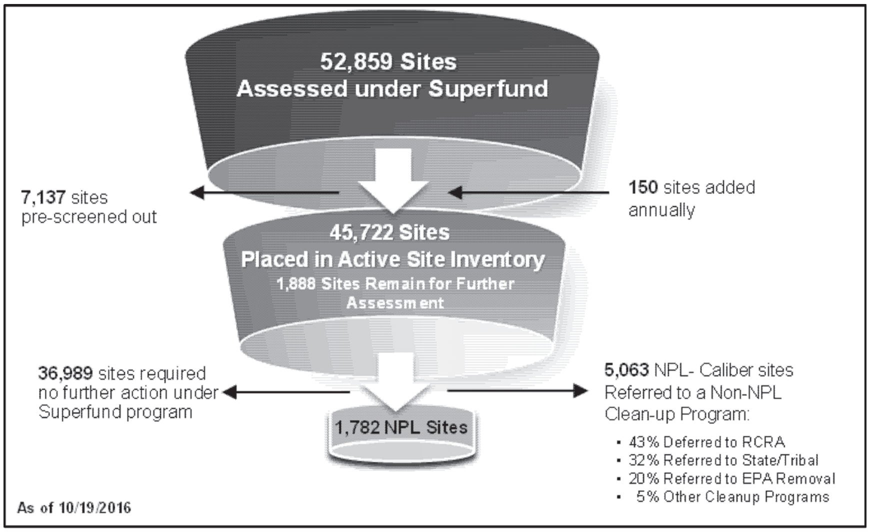


Figure 1. Status of EPA Site Assessments

The following discussion provides further information on each of these phases.

Pre-CERCLA Screening Assessment

A Pre-CERCLA Screening is used to establish whether:

- A release or potential release of a hazardous substance has occurred at a site;
- The site is eligible for further remedial assessment under CERCLA authority;
- The site needs further attention under Superfund or another cleanup program; and
- The site warrants entry into the federal Superfund program's active site inventory for further assessment or response.

Determining whether releases of hazardous substances, pollutants, or contaminants can be addressed by CERCLA requires the application of site-specific facts to CERCLA statutory requirements and EPA policy. The initial determination as to whether a site warrants further investigation is based on three site-specific facts including: (1) Evidence of an actual release or potential to release; (2) targets impacted by a release of contamination at the site; and (3) documentation that a target has been exposed to a hazardous substance released from the site. Examples of targets include populations, drinking water wells, drinking water surface intakes, municipal wells, fisheries and sensitive environments.

Preliminary Assessment

A PA uses readily available data to determine if there is evidence of a release that poses an unacceptable possible threat as specified in the NCP (40 CFR 300.420).

- The PA is a limited-scope investigation performed by States and/or EPA on every CERCLA site
- The PA may include the collection of readily available information and an on- or off-site reconnaissance may be conducted
- The PA distinguishes, based on already existing information, between sites that appear to pose little or no threat to human health and the environment and sites that require further investigation to determine if the threat to human health and the environment is unacceptable.

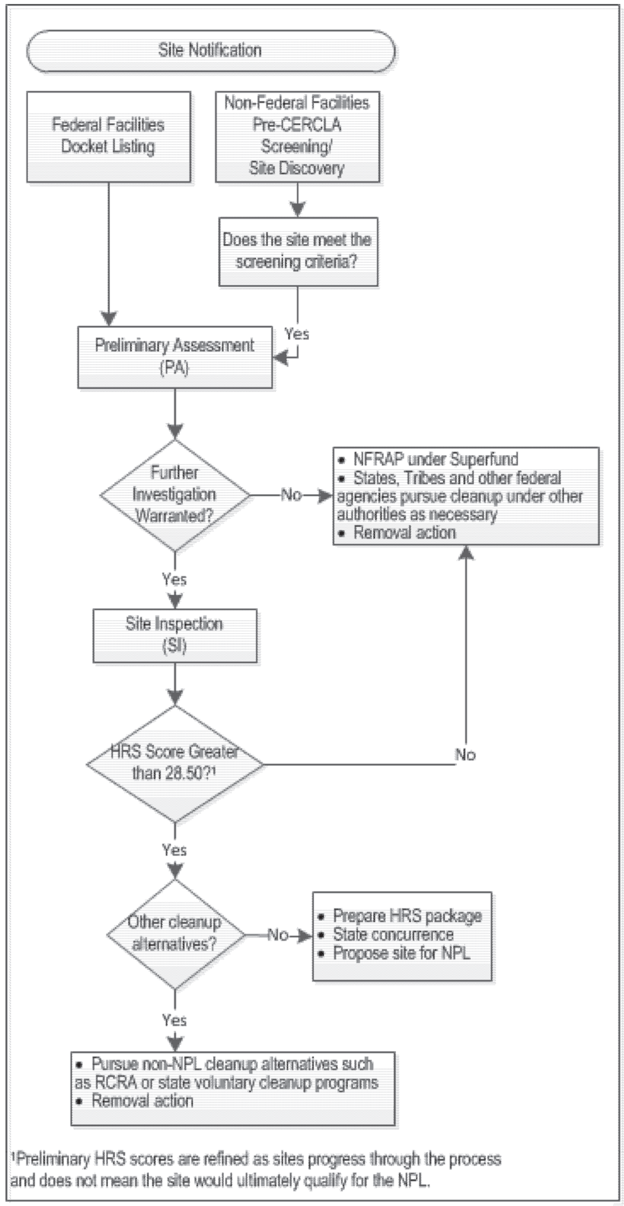


Figure 2. Site Assessment Process

If based on the results of a PA, EPA determines that a site warrants further screening under the CERCLA remedial program, the agency initiates a site inspection

Site Inspection

The purpose of the SI is to collect the data necessary to perform an HRS evaluation. An SI determines if a release of a hazardous substance poses an actual or potential threat to human health or the environment, to determine if there is an immediate threat to people or the environment in the area, and to collect sufficient data to enable the site to be scored using the HRS. EPA may expand the site inspection scope as needed. This expanded site inspection (ESI) collects additional data beyond what is collected in the standard site inspection to evaluate sites for HRS scoring. ESIs are reserved for more complex sites that cannot be adequately characterized using standard site inspection methods.

• SI investigators typically collect waste and environmental samples to determine the substances present at a site and whether they are being released to the environment, as well as other information to perform an HRS evaluation.

• EPA distinguishes, based on the information collected during the SI, between sites that appear to pose little or no threat to human health and the environment and sites that require further investigation to determine if the threat to human health and the environment exists.

• If the information indicates a threat, EPA determines the best approach for addressing the threat, which can be placement on the NPL or use of an alternative authority.

If at any time in this site assessment process, EPA determines that sufficient information indicates the site poses no unacceptable risk, or if it can be addressed under alternative authorities it can be removed from the process. Also, if an imminent or substantial endangerment to public health is identified, EPA can initiate CERCLA removal actions.

The NPL Rulemaking Process

The NPL is a list of national priorities for further investigation amongst the known or threatened releases of hazardous substances, pollutants or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), is required under section 105(a)(8)(B) of CERCLA, as amended. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is of only limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Also, placing a site on the NPL does not mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by the EPA (the ''General Superfund section'') and one of sites that are owned or operated by other federal agencies (the ''Federal Facilities section''). With respect to the Federal Facilities sites, these sites are generally being addressed by other federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody or control, although the EPA is responsible for preparing a Hazard Ranking System (''HRS'') score and determining whether the facility is placed on the NPL and having oversight authority at the sites for further actions.

NPL Site Selection Process

The NPL is required to be revised annually and it is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. This selection process is illustrated in figure 3, below. Sites with HRS scores of 28.50 or greater are eligible for placement on the NPL. Only non-Federal Facility sites on the NPL are eligible for Superfund-financed remedial actions. Once a site is determined to be NPL-caliber and a decision has been made that the federal Superfund program should manage the site cleanup, EPA regions apply a strong initial presumption in favor of placement on the NPL.

Once the site is proposed for the NPL (*i.e.,* announced in the **Federal Register**), a 60-day comment period is initiated to allow the public to comment on the proposal. EPA responds to all public comments, and depending on the results of the public comment period, the site could be removed from consideration for placement of the NPL; re-proposed in the future due to public comments; or placed on the NPL. Once the site is placed on the NPL, the rulemaking can be challenged in court under the Administrative Procedure Act (APA). If no challenge is made or if the court finds the rulemaking consistent with APA requirements, it is then eligible for further investigation under the Superfund remedial program. (Figure 3. Process for Placing a Site on the NPL).

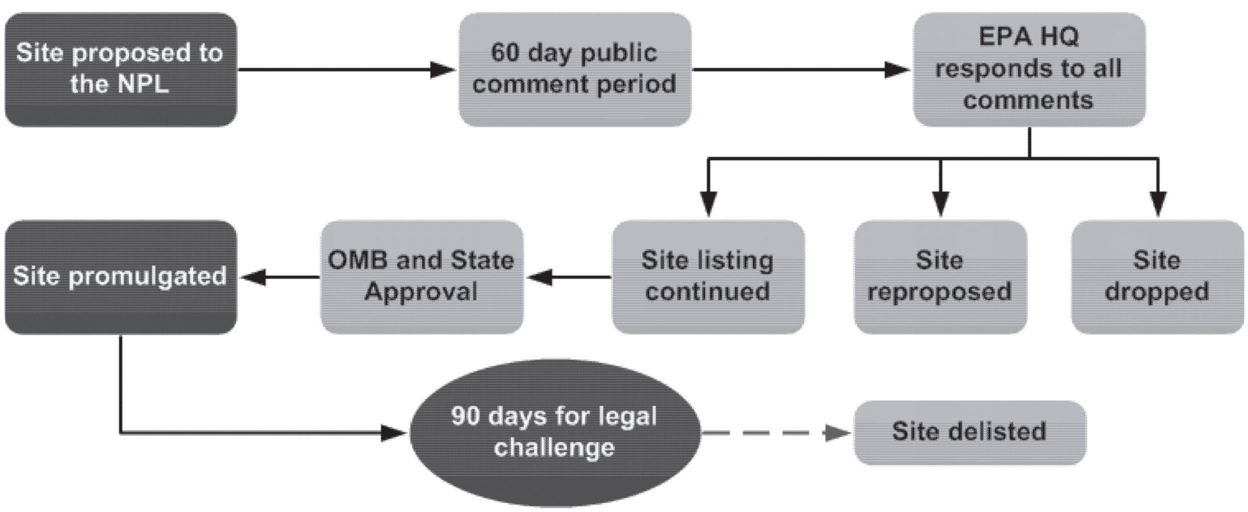


Figure 3. Process for Placing a Site on the NPL

C. Impact of the SsI Addition on Current Cleanup Programs, Resources and Cost

This SsI addition to the HRS will have the most significant impact on EPA's Superfund cleanup program. This regulatory change expands available options for EPA and organizations performing work on behalf of EPA (state and tribal partners) to evaluate actual and potential threats to public health and the environment from subsurface intrusion contamination. This modification to the HRS, by itself, only augments the criteria for applying the HRS. It has no effect on small businesses.

This final rule will not affect the status of sites currently on or proposed to the NPL. Sites that are currently on or proposed to the NPL have already been evaluated under another pathway (*i.e.,* ground water migration, air migration, surface water migration, or soil exposure) and have been shown to or are projected to qualify for placement on the NPL. The method selected for including the SsI evaluation in the HRS site score can only result in an increase in a site score, Therefore, all sites qualifying for the NPL based on its HRS site score prior to this final rule will continue to do so. It is consistent with section 105(c)(3) of CERCLA, as amended, that these sites will not be re-evaluated. This final rule will not disrupt EPA's placement of sites on the NPL.

The possible impact on federal agencies other than EPA performing Superfund actions will be less than that on private sites being addressed by EPA. Federal agencies currently address subsurface intrusion issues as part of their environmental programs and authorities. Executive Order 12580 delegates broad CERCLA authority to federal agencies for responding to actual and potential releases of hazardous substances where a release is either on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the federal agency. Federal agencies are required to exercise this authority consistent with the requirements of CERCLA section 120, as amended, and implement regulations under the NCP, for both NPL and non-NPL sites. Therefore, federal agencies are in a position to proactively identify and respond to risks posed by subsurface intrusion of hazardous substances into regularly occupied structures for all populations who live and work in areas where the subsurface environment may create exposures. If it is determined that releases of hazardous substances pose immediate threats to public health and the environment, EPA fully expects that the appropriate federal agency will continue to undertake response actions to address such threats. Many federal agencies, including EPA, have developed or are developing new or updated agency-specific policy and guidance documents to address subsurface intrusion threats.

As a result of federal agency existing environmental programs and authorities, this rulemaking is not anticipated to have a significant impact to the resources and costs to federal cleanup programs.

Since EPA's overall appropriated Superfund budget as well EPA's cooperative agreement budget for performing site assessments will continue to remain relatively steady, EPA anticipates that this final rule will not result in additional site assessments nor the placement of more sites on the NPL during any particular interval, but rather a shift in the make-up of the type of sites included on the NPL. EPA will continue to review sites as part of Superfund remedial site assessment to determine whether sites are eligible for further remedial evaluation under CERCLA authorities and prioritize sites that pose the highest risk. This is not a change to how EPA currently evaluates and prioritizes sites for the NPL. Because the level of effort required to evaluate a site, regardless of pathway, varies on a site-by-site basis, depending on the size and extent of contamination at the site, it cannot be predicted with any certainly that there will be an increase in cost or level of effort for any particular site due to this rulemaking.

This rulemaking, which could lead to the inclusion of a site on the NPL that did not qualify for the NPL previously, does not itself impose any costs on outside parties; it does not establish that EPA will necessarily undertake response actions, nor does it require any action by a private party or determine liability for site response costs. Costs are limited to screening relevant sites for subsurface intrusion contamination during site inspections and the resulting HRS evaluation and documentation record preparation. Costs that arise from site remedial responses are the result of site-specific decisions made post-listing, not directly from the act of listing itself. These costs are a result of a release of hazardous substances and would not be incurred if hazardous substances had not been released.

Later Superfund-related decisions that consider information collected under the HRS SsI Addition could separately have specific economic costs and benefits (*e.g.*, remediation costs and reduced risk), but these impacts are contingent upon a series of separate and sequential actions after listing a site on the NPL. Therefore, addition of subsurface intrusion to the HRS is several regulatory steps removed from imposing costs on private entities.

This rulemaking does not impose any requirements on small entities, and therefore can be certified as no Significant Economic Impact on a Substantial Number of Small Entities (SISNOSE). With the exception of other federal agencies, site assessments are performed by EPA and on behalf of EPA by states and tribes in cooperative agreement partnerships with EPA. Under section 601 of the Regulatory Flexibility Act, federal agencies do not fit under the definition of small business, small entity, small organization or small governmental jurisdiction.

D. Impact of the Subsurface Intrusion Addition on the Hazard Ranking System

This final rule, with the addition of a subsurface intrusion component, does not change the purpose of the HRS, its fundamental structure or its application. It does not change the balance between the pathways or calculation of the overall HRS site score and the same cutoff score to qualify a site for the NPL is maintained. The current approach for scoring the ground water, surface water, and air migration pathways is not being altered by the addition of a subsurface intrusion component. EPA added the subsurface intrusion threat as a component to the present soil exposure pathway because its structure already focuses on populations actually or potentially coming into direct contact with hazardous substances. The re-structured pathway is called the "Soil Exposure and Subsurface Intrusion" pathway and now allows for the consideration of the threat posed by subsurface contaminant intrusion. The Soil Exposure and Subsurface Intrusion pathway retains the existing two soil exposure threats (resident population and nearby population) in the pathway as one component, with subsurface intrusion as the second component.

The narrow technical modifications resulting from this Final Rule reflect the agency's actions to encompass additional risks posed by releases of hazardous substances and to address the SARA statutory requirement that EPA amend the HRS to assure "to the maximum extent feasible, that the HRS accurately assesses the relative degree of risk to human health and the environment posed by sites subject to review." Thus, the fundamental purpose and structure of the HRS approach has not changed with this amendment to the HRS to include the consideration of subsurface intrusion.

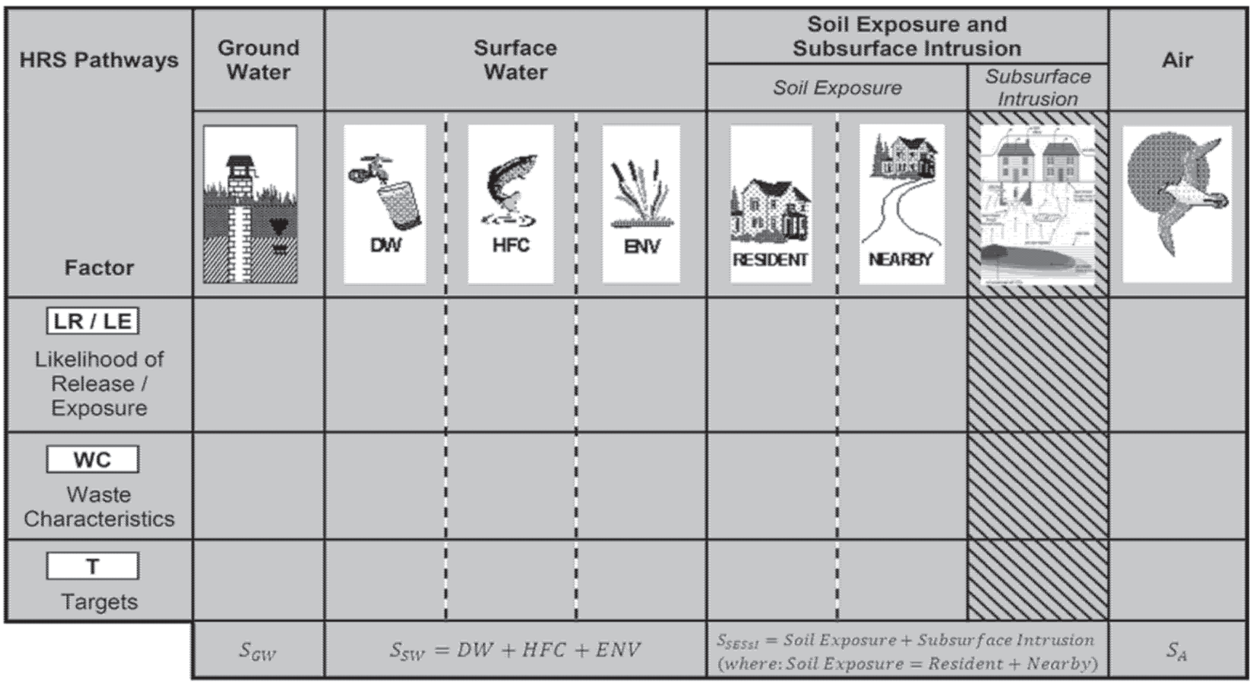
III. Overview of the Final Rule

This final rule revises the 1990 HRS to include a component for evaluating the threats posed from subsurface intrusion. The following sections discuss the structure of the HRS, the subsurface intrusion component within the HRS, the major factors of the subsurface intrusion addition, and how the evaluation will be performed using a structure consistent with the other threats, components, and pathways in the HRS, but taking into account the unique parameters impacting the probability of exposure to subsurface intrusion. All sites that qualified for the NPL under the 1990 HRS, would still qualify for the NPL under this revised HRS. For a more comprehensive description and rationale of changes, see the February 29, 2016 Proposed Rule [81 FR 10372, February 29, 2016].

A. HRS Structure With the Subsurface Intrusion Component

EPA added the evaluation of the relative risk posed by subsurface intrusion of hazardous substances into regularly occupied structures by restructuring the soil exposure pathway from the 1990 HRS to include subsurface intrusion. The soil exposure pathway has been renamed the soil exposure and subsurface intrusion pathway to reflect both components of the new pathway. No changes are included in the other three HRS pathways, with the exception of the use of a reference concentration instead of a reference dose to determine a hazardous substance's health-based benchmark in the air migration pathway. See Figure 4 for a depiction of how the promulgated addition fits into the HRS structure.

Figure 4. HRS Structure with Subsurface Intrusion Addition



S_{GW} = *Ground Water Migration Pathway Score*

S_{SW} = *Surface Water Migration Pathway Score*

S_{SESSI} = *Soil Exposure and Subsurface Intrusion Pathway Score*

S_A = *Air Migration Pathway Score*

As explained in the preamble to the proposed HRS SsI addition, the subsurface intrusion component is added as a new component of the soil exposure and subsurface intrusion pathway. The soil exposure pathway included in the 1990 HRS is retained as one component of the Soil Exposure and Subsurface Intrusion pathway. The scoring of the soil exposure component remains unaltered, but the score is assigned as the soil exposure component score, not the pathway score. (See section 5.1 of the HRS). As discussed in greater detail below, the SsI component has the same basic structure, scoring, and weighting as other parts of the HRS.

The score for the soil exposure and subsurface intrusion pathway is based on a combination of the two component scores—soil exposure and subsurface intrusion but the pathway score is capped at the same value as other HRS pathways. The soil exposure component score is added to the subsurface intrusion component score to determine the pathway score. The two component scores are additive to reflect that populations may be exposed via both routes: The soil exposure component reflects exposures to people when outside a structure and focuses on ingestion, and the subsurface intrusion component reflects exposures inside a structure and focuses on inhalation. Hence, the addition of the two component scores reflects the potential cumulative risk of multiple exposure routes and is not double counting the same relative risk.

A maximum pathway score is not contingent on scoring both the soil exposure and subsurface intrusion components. It is possible for a site to have only one component evaluated and still reach the maximum pathway score. Because the scoring of the soil exposure component is not being altered, this component would contribute the same score to the overall site score absent the addition of subsurface intrusion.

B. SsI Component Addition

The structure of the HRS is fundamentally the same for all individual pathways, components, and/or threats. The design of the HRS reflects a conceptual understanding of how hazardous substance releases from CERCLA sites can result in risks to public health and welfare and the environment. The risk scenario at these sites is a function of:

- The probability of exposure to (or releases to a medium in a migration pathway of) hazardous substances,
- The expected magnitude and duration of the releases or exposures,
- The toxicity or other potential adverse effects to a receptor associated with a target from the releases,

• For the three migration pathways, the probability that the release will reach a target and the expected change in the concentration of hazardous substances during the movement from the location of the contamination to the targets. For the exposure pathway, the probability a receptor will be exposed at the target location,

• The expected dose to the receptor, and

• The expected number and type of the receptors.

The above considerations are addressed in three factor categories: Likelihood of exposure (or release), waste characteristics, and targets.

The following subsections describe the structure of the subsurface intrusion component and how this structure is consistent conceptually with the existing structure of the other HRS pathways and components: (1) New definitions, (2) delineation of areas of subsurface intrusion, (3) likelihood of exposure, (4) waste characteristics, (5) targets, and (6) calculating and incorporating the subsurface intrusion component score into the HRS site score.

1. New Definitions—See Section 1.1 of the HRS [2]

EPA has added 15 new definitions to the HRS, section 1.1, along with updated nomenclature to existing definitions. EPA received no comments on the 14 proposed new definitions to the rule; therefore, EPA is finalizing the new definitions as proposed with the following change: The term surficial ground water has been changed to shallow ground water for clarity. In addition, EPA has added the term non-aqueous phase liquid (NAPL) to the definition section because EPA added consideration of NAPLs to the assignment of degradation factor values and the weighting of targets in the area of subsurface contamination (ASC).

2. Delineation of Areas of Subsurface Intrusion—See Section 5.2.0 of the HRS

EPA has included in the subsurface intrusion component evaluation two areas in which exposure due to subsurface intrusion contamination exists or is likely to exist: (1) Areas of observed exposure—areas in which contaminant intrusion into regularly occupied structures has been documented, and (2) areas of subsurface contamination—areas in which subsurface contamination underlying regularly occupied structures (such as in shallow ground water or soil vapor) has been documented, but at which either sampling of indoor air has not documented that subsurface contamination has entered a regularly occupied structure or no sampling of indoor air has been undertaken.

a. Area of Observed Exposure (AOE) (See Section 5.2.0 of the HRS)

An area (or areas) of observed exposure at a site is identified based on the location of regularly occupied structures with a documented significant increase in hazardous substance concentrations above background levels resulting at least in part from subsurface intrusion attributable to the site being evaluated. The area encompassed by such structures constitutes the area of observed exposure (AOE). Other regularly occupied structures within this encompassed area (or areas) are also inferred to be in the AOE unless available information indicates otherwise.

b. Area of Subsurface Contamination (ASC)—See Section 5.2.0 of the HRS

An area (or areas) of subsurface contamination is identified as an area outside that of the AOE, at which subsurface contamination has been documented at levels meeting observed release criteria (contamination at levels significantly above background and the significant increase can be attributed at least in part to the site). The contamination would be present in subslab or semi-enclosed or enclosed crawl space samples or in a subsurface sample. (See section 2.3 of the HRS for observed exposure criteria.) In addition, EPA is limiting the delineation of an ASC to be based on the location of subsurface contamination meeting the criteria for observed exposure or observed release and has a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol. The populations in an ASC are assigned a weighting value ranging from 0.1 to 0.9 depending on such factors as the distance of subsurface contamination to a regularly occupied structure's foundation, the sample media, and the presence of a non-aqueous phase liquid (NAPL).

3. Likelihood of Exposure—See Section 5.2.1.1 of the HRS

A key factor considered in the HRS relative risk ranking is whether any exposure to a hazardous substance via subsurface intrusion has occurred, or if not, whether there is a probability that exposure could occur in a regularly occupied structure. This is termed the likelihood of exposure for the subsurface intrusion component.

a. Observed Exposure—See Section 5.2.1.1.1 of the HRS

For HRS purposes, an observed exposure is established if it can be documented that a hazardous substance from the site being evaluated has moved through the subsurface and has entered at least one regularly occupied structure.

b. Potential for Exposure—See Section 5.2.1.1.2 of the HRS

When an observed exposure has not been established, the potential for exposure can be determined for any regularly occupied structure located in an ASC.

The evaluation of the potential for exposure for the subsurface intrusion component uses the same concept and framework used to estimate the potential to release in other pathways. This involves predicting the probability of exposure in an area of subsurface contamination based on structural containment features of the regularly occupied structure and a hazardous substance's physical and chemical properties and the physical subsurface properties that influence the probability that intrusion is occurring. These factor values include:

• Structure Containment
• Depth to Contamination
• Vertical Migration
• Vapor Migration Potential

Consistent with potential to release determinations in the HRS, the potential for exposure for this component is calculated by summing depth to contamination, vertical migration and vapor migration potential factor values and multiplying the sum by the containment factor value to determine a potential for exposure factor value.

c. Calculation of the Likelihood of Exposure Factor Category Value—See Section 5.2.1.1.3 of the HRS

As in all HRS pathways and components, the likelihood of exposure factor category value is assigned based on the higher of the observed exposure (or release) value or the potential for exposure (or release) value. The maximum value assigned for the likelihood of exposure factor category is 550 and is assigned if observed exposure is documented. If observed exposure is not documented, the value assigned when evaluating potential for exposure ranges between 0 and 500.

[2] *For references to a specific section of the HRS addition, please refer to the regulatory text of the rulemaking.*

4. Waste Characteristics—See Section 5.2.1.2 of the HRS

The waste characteristics factor category is based on factors that are related to the relative risk considerations included in the basic HRS structure. The factors considered in determining the waste characteristics factor category value are the toxicity of the hazardous substances, the ability of the hazardous substance to degrade, and an estimate of the quantity of the hazardous substances to which occupants could be exposed.

a. Toxicity/Degradation—See Section 5.2.1.2.1 of the HRS

The combined toxicity/degradation factor includes consideration of both the toxicity and the possibility for degradation of hazardous substances being evaluated for HRS purposes. The toxicity factor in the overall HRS structure reflects the toxicity of a hazardous substance associated with a source, release or exposure at a site, and is assigned the same factor value for all the pathways and components in the HRS. Any hazardous substance identified in an observed exposure within the AOE or meeting the observed release criteria in either the AOE or ASC will be assigned a toxicity factor value.

The degradation factor represents the possibility for a substance to degrade in the subsurface prior to intruding into a regularly occupied structure. The subsurface intrusion component evaluates degradation based on the substance being evaluated, the depth to contamination, and the presence of a NAPL. It also assumes the presence of biologically active soil unless information indicates otherwise. If it has been documented that a hazardous substance has been found to have entered a regularly occupied structure, regardless of the substance or the site conditions, the degradation value is assigned to reflect the likelihood that the substance is not significantly degrading in the subsurface. Additionally, any eligible hazardous substance present in the subsurface below an AOE or ASC as a NAPL at depth less than 30 feet is assigned a degradation value to reflect the likelihood that the substance will not significantly degrade in the subsurface environment.

The toxicity and degradation factors are multiplied together to assign a combined factor value. If multiple substances are present, the highest combined factor value is selected for use in determining the waste characteristics factor category value, as discussed below.

b. Hazardous Waste Quantity—See Section 5.2.1.2.2 of the HRS

The waste quantity factor value for this component reflects only the amount of hazardous substances that people are exposed to, that is, the amount in regularly occupied structures. EPA has retained a four-tiered hierarchical approach consistent with the HRS as well as minimum waste quantity factors. The estimation of waste quantity for the subsurface intrusion component considers the regularly occupied structures located within the AOE and ASC. For sites at which the component waste quantity (the sum waste quantities for all regularly occupied structures in the AOE and ASC) is below 10, a minimum factor of 10 would apply, the same as in other pathways and components. The minimum waste quantity factors are included because of insufficient information at many sites to adequately estimate waste quantity with confidence.

c. Calculation of the Waste Characteristics Factor Category Value—See Section 5.2.1.2.3 of the HRS

As in all HRS pathways and components, the waste characteristics category value is the product of the waste characteristics factor values (*e.g.,* toxicity/degradation factor value) for the SsI component and the hazardous waste quantity factor value, all of which are scaled so as to be weighted consistently in all pathways. Similar to the likelihood of exposure factor category, the waste characteristics factor category is subject to a maximum value to maintain the balance between factor categories. This approach is consistent with the 1990 HRS structure.

5. Targets—See Section 5.2.1.3 of the HRS

The targets factor is based upon estimates of the expected dose to each receptor associated with a target and the number and type of receptors present at each target. In assessing human risk, it is critical to understand the nature and extent of exposure to individuals, populations, and resources.

a. Identification of Eligible Targets—See Section 5.2.1.3 of the HRS

The soil exposure and subsurface intrusion pathway uses the same target categories used in the HRS soil exposure pathway, including exposed individual, resident populations, workers, and resources. However, unlike the HRS soil exposure pathway, workers are to be evaluated as exposed individuals and as part of the population within an area of subsurface contamination instead of being evaluated under a separate worker factor value.

b. Exposed Individual and Levels of Exposure—See Section 5.2.1.3.1 of the HRS

i. Identifying Levels of Exposure and Benchmarks for Subsurface Intrusion

In the SsI component, targets in the AOE are considered actually contaminated, whereas, those in the ASC are considered potentially contaminated. The targets in an AOE are further divided into Level I and II, based on whether the hazardous substance concentrations are at or above identified health-based benchmarks.

The targets within an ASC are categorized based on the type of sample (*e.g.,* gas, soil, water), the distance of the sample from the targets (*e.g.,* the depth of the sample below the structure), and whether a NAPL is present. Weighting factors ranging from 0.1 to 0.9 are then assigned accordingly.

ii. Exposed Individual—See Section 5.2.1.3.1 of the HRS

The evaluation of exposed individuals in the SsI component includes individuals living, attending school or day care, or working in a regularly occupied structure. Individuals in the eligible target population are expected to be exposed to the highest concentration of the hazardous substance in question for a significant time.

c. Population—See Section 5.2.1.3.2 of the HRS

The population factor for the SsI component includes all populations qualifying as exposed individuals, including residents, students, workers, and those attending day care. Workers are weighted slightly differently than other exposed individuals to reflect that a worker's exposure is limited to the time present in a workplace. The number of workers present in a structure or subunit is adjusted by an appropriate factor reflecting whether or not they are a full-time or part-time worker.

i. Weighting of Targets in the Area of Observed Exposure (AOE)—See Sections 5.2.1.3.2.1 and 5.2.1.3.2.2 of the HRS

Consistent with the weighting of populations throughout the HRS, the subsurface intrusion component will weight targets in an AOE subject to Level I contaminant concentrations by a factor of 10 and weight targets subject to Level II contaminant concentrations by a factor of 1. Eligible populations include individuals living, working, and attending school or day care in regularly occupied structures.

Within the AOE, those populations in regularly occupied structures for which observed exposures have not been established but the structures are surrounded by regularly occupied structures in which observed exposures have been identified, are also considered as actually contaminated unless evidence indicates otherwise. Targets inferred to be exposed to this contamination will be weighted as Level II as there are no actual sample results to compare against benchmarks.

In the case of multi-story/multi-subunit structures, all regularly occupied subunits on a level with an observed exposure and all levels below are considered to be within an AOE, unless available information indicates otherwise. For multi-story/multi-subunit structures located within an AOE, but where an observed exposure has not been documented, only those regularly occupied spaces on the lowest level are considered to be within an AOE, unless available information indicates otherwise.

ii. Weighting of Targets in the Area of Subsurface Contamination (ASC)—See Section 5.2.1.3.2.3 of the HRS

Due to the variability in subsurface intrusion rates, the potential weighting factor values for targets within an ASC range from 0.1 to 0.9 and depend on where the subsurface contamination has been found and whether a NAPL is present.

Potential targets are weighted to reflect the distance to or the depth at which contamination is found and whether a NAPL is present. The weighting factors applied to populations being evaluated based on the presence of subsurface contamination containing a NAPL reflects greater subsurface source concentrations and an increased probability that contaminant intrusion into a regularly occupied structure from the subsurface will result in a concentration significantly above background levels for the site. In the case of multi-story/multi-subunit structures, all regularly occupied subunits on a level above one where an observed exposure has been documented or inferred, or where a gaseous indoor air sample meeting observed release criteria is present, are considered to be located within an ASC, unless available information indicates otherwise. For multi-story/multi-subunit structures located only within an ASC, only those regularly occupied subunits within the lowest level are considered in an HRS evaluation.

Eligible populations in an ASC include individuals living in, attending school or day care, and working in regularly occupied structures. However, the number of workers is adjusted to reflect that their exposure is limited to the time they are in a workplace.

d. Resources—See Section 5.2.1.3.3 of the HRS

Resources for this component include regularly occupied structures that are located within a defined AOE or ASC and in which populations may be exposed to contamination due to subsurface intrusion. Libraries, recreational facilities, and religious or tribal structures used by individuals may qualify as eligible resources.

e. Calculation of the Targets Factor Category Value—See Section 5.2.1.3.4 of the HRS

The Target Factor Category Value is the sum of all the Target Factor values.

6. Calculation and Incorporation of the SsI Component Score Into the HRS Site Score

The following subsections summarize the calculation of the subsurface intrusion component score, how the component score is used in the calculation of the soil exposure and subsurface intrusion pathway score, and how, in turn, the pathway score is subsequently incorporated into the HRS site score.

a. Calculation of the SsI Component Score—See Section 5.2.2 of the HRS

The SsI Component score is the product of the likelihood of exposure factor category value, the waste characteristics factor category value, and the targets factor category value; that value is divided by a weighting factor so that it has equal magnitude to other component scores (subject to a maximum value).

b. Incorporation of the SsI Component Score into the Soil Exposure and Subsurface Intrusion Pathway Score—See Section 5.3 of the HRS

The Soil Exposure and Subsurface Intrusion pathway score is a combination of the two component scores.

c. Incorporation of the Soil Exposure and Subsurface Intrusion Pathway Score Into a Site Score—See Section 2.1.1 of the HRS

EPA did not change the methodology used to assign an overall site score due to the addition of the subsurface intrusion component to the soil exposure pathway and renaming that pathway the soil exposure and subsurface intrusion pathway. The overall site score remains a function of four pathway scores and the same weighting is given to each pathway score as in the 1990 HRS.

C. Testing the SsI Component

The SsI component was tested extensively throughout the development of this rule, using multiple methods. The main goals of testing the component included:

- Ensuring the addition of the SsI component to the soil exposure pathway did not change relative contribution to the site score as the other HRS pathways and maintained the same relative risk of a site with a similar threshold for qualifying for the NPL.
- Ensuring the number of targets subject to actual contamination needed to achieve a site score sufficient for NPL proposal remained consistent across pathways.
- Ensuring that applying the SsI component as part of an HRS evaluation would not result in identification of sites with a low level of risk or would not identify sites with a high level of risk.

These goals were met by using conceptual simulations to project the effectiveness and appropriateness for factor values, by developing and testing numerous example site scenarios to refine the model and by applying the model to test sites to determine its efficacy. The following information provides details on the approaches used to test the SsI component.

1. Conceptual Site Model/Sensitivity Analysis

Sensitivity analyses were performed during development of the rule to test the SsI component and identify and assign the relative magnitude of the factors having the greatest impact on the HRS site score. The analyses illustrated the types of sites that would qualify for the NPL considering subsurface intrusion contamination, and sites that would qualify for the NPL considering the contribution of subsurface intrusion contamination to other pathways. The scenarios illustrate different site characteristics and different factor value weightings. An initial conceptual site scenario evaluation was developed with varying likelihood of intrusion levels, zone of contamination, waste characteristics and levels of contamination. The conceptual site scenario evaluation was varied to reflect possible ranges in the factors considered in the HRS evaluation.

The first phase of testing estimated site scores based on options considered for identifying eligible targets and delineating target areas. The testing was conducted using factor values, factor category values, and scoring algorithms consistent with other parts of the HRS. This ensured relative risk was evaluated and consistently weighted among pathways. A second phase was conducted for identifying target areas delineated by AOEs and ASCs of various site scenarios to test the HRS addition and to illustrate the features of sites that would qualify for the NPL considering vapor intrusion contamination. To illustrate the subsurface intrusion component and contribution of weighting of factor values, three comprehensive site scoring scenarios were evaluated: A site would not qualify for placement on the NPL (score below 28.50), a site would marginally qualify for the NPL (score of or about 28.50), and a site would exceed the scoring criterion for the NPL (site score considerably above 28.50). Based on this final rule, the results revealed that sites without areas of observed exposures and a typical waste characteristic value would require a minimum of 685 receptors living, working or attending school or daycare above an area of subsurface contamination to receive a score of 28.50 based on shallow subsurface sampling. Sites with documented subsurface intrusion into an occupied structure, a typical waste characteristic value and indoor air samples below health-based benchmarks would require a minimum of 223 receptors to receive a score of 28.50. This illustrates that this final rule will not result in a large number of sites qualifying for the NPL as it is unlikely this number of receptors in an area of subsurface contamination will commonly occur. This is the similar number of receptors needed for a site to qualify for the NPL in other pathways.

2. Test Sites (Tier 1)

To support the final rulemaking, EPA conducted a screening-level assessment of sites with identified subsurface intrusion threats. As a first step in collecting the list of sites potentially affected by the final rule, EPA consulted with site assessment experts that work in Superfund to identify potential site candidates. EPA also reached out to state counterparts, in particular to state programs that were known to have taken a more thorough investigation of the subsurface intrusion pathway at sites. Through this process, EPA identified approximately 1,073 sites. These sites are not currently on the NPL, and all have a potential or identified SsI threat. Within the group of sites potentially affected by the HRS SsI Addition, EPA defined four categories:

1. Tier 4: Sites identified as having a suspected SsI threat based on EPA's Superfund database and Agency for Toxic Substances and Disease Registry keyword searches, as well as EPA or state self-identification, but for which no sampling data were obtained;
2. Tier 3: Sites identified as having characteristics or evidence that indicate SsI may have occurred or will occur;
3. Tier 2: Sites identified as having an SsI threat documented by subslab, crawl space, or indoor air samples, but insufficient HRS-required evaluation factors to qualify for the NPL; and
4. Tier 1: Sites identified as having an SsI threat with documented actual exposure of a sufficient number of targets with enough other HRS-required evaluation factors to suggest the site may qualify for the NPL.

EPA selected the Tier 1 sites for use in testing the SsI component evaluation process. The 11 Test Sites had documentation of indoor contamination due to subsurface intrusion based on actual sampling data and other typically HRS-required data. Of the 11 sites scored, 9 were projected to score 28.50 or higher using only the SsI component. 1 site was projected to score 28.50 or higher only by including both the scores from the SsI component evaluation and the ground water migration pathway evaluation in the site score. It was unknown whether these sites would qualify for the NPL when they were chosen as Test Sites, as the SsI scoring process had not been developed. The Test Site with a projected score below 28.50 did not qualify for the NPL even though the site was located in a mixed-used residential and industrial area, illustrating that not all sites in an urban area will qualify for the NPL.

That 10 of the 11 Test Sites have a projected HRS site score of 28.50 or greater using the SsI component is not an indication that the addition of the SsI component will result in a large number of SsI sites qualifying for the NPL; this would be a possible projection if the Test Sites were chosen randomly so as to represent a typical SsI site. The Test Sites were not randomly chosen, but instead were specifically chosen because they have a documented subsurface intrusion threats at the sites and sufficient available data to test all parts of the SsI component. The Test Sites all had areas of observed exposure; most had more than 38 structures at the site (some with hundreds of structures), and all but two Test Sites had at least 50 targets (more than half had over 100 targets). Each site was also associated with volatile hazardous substances that are considered hazardous to human health at low concentrations. Appendix B of the Technical Support Document (TSD) for this final rulemaking provides a summary of these scoring evaluations.

3. Pilot Study

The main purpose of the Pilot Study was to identify sites currently being evaluated for SsI by the EPA regions with a suspected subsurface intrusion threat and determine whether an SI would provide enough information to score a site under the new component. Additional goals of the Pilot Study were to gather data and determine if design of the SsI model is practical and gives expected results; identify a range for the cost of a projected SsI site assessment; and assist in developing future guidelines for SsI assessments. A total of 10 sites were identified across 5 of the 10 EPA Regions. The pilot studies were not intended to identify sites for placement on the NPL, and not all sites considered for the pilot studies achieved an HRS score greater than (or equal to) 28.50. However, collecting actual data for the purposes of generating an SsI component score, ensured the HRS was considering subsurface intrusion threats appropriately. Ultimately, the pilot studies were used to proof the concept and validate the SsI component in terms of the application of selected weighting factor values and the efficacy for accurately identifying sites with significant relative risk.

IV. Summary of Changes to the HRS

Comments on the Proposed Rule were received from 15 organizations/individuals. The commenters included state and federal agencies, industry associations, community groups, consultants, and private citizens. No major conceptual or structural changes were necessary based on comments received during the public comment period. While many of the comments focused on the structure of the SsI component, there was not sufficient rationale for making major changes to the basic structure of the SsI component. There were minor revisions made based on comments, which help refine the mechanics of assigning an HRS site score. As a result, the SsI component better reflects current science and better aligns with underlying concepts in the *OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Sources to Indoor Air* (VI Guide). These changes had no impact on the overall structure of the SsI component and do not impact the relative weighting among the HRS pathways or the level of risk required to qualify for the NPL.

A. Changes Since Proposal

1. Consideration of Contaminated Ground Water Intrusion

Section 5.2 was revised to clarify that areas of subsurface contamination are only delineated based on the presence of hazardous substances meeting the criteria for observed exposure or observed release and have a vapor pressure greater than or equal to one torr or a Henry's constant greater than or equal to 10^{-5} atm-m^3/mol. However, if samples indicate intrusion of liquids containing hazardous substances has occurred into regularly occupied structures, the samples of that liquid are still used in delineating an Area of Observed Exposure to reflect the threat to targets. These revisions were made to correct a seeming inconsistency in wording between the discussion in the preamble to the proposed rule and the proposed regulatory language.

2. Consideration of Non-Aqueous Phase Liquids (NAPLs) in Weighting of Targets in an ASC

Table 5–21, Weighting Factor Values for Populations within an Area of Subsurface Contamination, of the HRS was revised to include consideration of the presence of NAPLs identified in an area of subsurface contamination. These additions increase the weighting of the population in an area of subsurface contamination to the SsI component score. These revisions were in response to comments that the proposed addition did not reflect the magnitude of contaminant concentrations in the evaluation of targets in the area of subsurface contamination. While EPA considers it unlikely that the actual aerial distribution and magnitude of contaminant concentrations can be determined in an area of observed contamination during a site inspection, if NAPLs are identified as present, EPA agrees that there is a greater risk to receptors than if no NAPL is present.

3. Modifications to the Determination of Degradation Factor Values

Section 5.2.1.2.1.2 of the HRS was revised to make it easier for the reader to determine degradation factor values and to add consideration of the presence of NAPLs. Commenters asserted that the text was difficult to follow and that the presence of NAPLs was a major factor in the impact of degradation. A new table, Table 5–18 of the HRS, simplifying the assignment of degradation factor values based on the depth to contamination and a substance's half-life was inserted to replace proposed text. Additionally, if no half-life information is available for a hazardous substance and the substance is not already assigned a degradation factor value of 1, a value of 1 will be assigned. This modification further simplifies the degradation evaluation and is also protective of human health, for if no half-life information is available for a hazardous substance, EPA cannot assume that degradation will occur. In addition, parent-daughter relationships between substances are no longer considered in the assignment of the degradation factor value, in part to simplify the assignment and in part to reflect the variation in rates of degradation due to site-specific subsurface conditions. Even if degradation occurs, if a contaminant is at high enough concentration to exist as a NAPL at depths less than or equal to 30 feet, it is more likely to pose a threat to populations in overlying structure.

4. Modifications Made to Section 5.2.1.1.2.1, Structure Containment and Table 5–12

Section 5.2.1.1.2.1 and Table 5–12 of the HRS were revised in response to comments on the rationale for assigning containment values to individual structures. The assignment of a structure containment factor value assigned to structures in Table 5–12 with vapor mitigation systems or other response actions was revised. These revisions were made in response to a comment questioning why response actions taken by federal, state, and tribal authorities are treated differently than those taken by private entities in determining containment for a structure. The language regarding treatment of removals by federal, state, and tribal authorities has been removed from Table 5–12 and the corresponding containment value was assigned a 1. This change allows a consideration of public and private removal actions to be evaluated in a consistent manner.

Section 5.2.1.1.2.1 and Table 5–12 of the HRS was also revised to remove from the table the direction of the assignment of a structure containment value for a regularly occupied structure with unknown containment features. This direction, which assigns a value of "greater than zero" to this situation, was moved to the text in section 5.2.1.1.2.1 of the HRS. This revision was made in response to a comment questioning the rationale for the various containment values and was made to improve the continuity of the table, which directs the assignment of values when containment features of the structure are known. A structure with a containment factor value of greater than zero cannot be used in assigning a potential for exposure factor value. EPA considers it appropriate that the potential for exposure factor value should be based on actual field observations. However a structure with a structure containment value of greater than zero allows the structure to be evaluated for assigning waste characteristics values (*e.g.*, a hazardous waste quantity factor value) and for assigning target factor values. EPA considers the inclusion of structures with unknown containment features in the calculation of waste characteristics and targets values appropriate as it reflects that very few structures are built to be sufficiently air tight to prevent subsurface intrusion.

5. Consideration of Hydraulic Conductivity in Vertical Migration

Table 5–14 of the HRS was revised to allow assignment of an effective porosity/permeability factor value based on site-specific measurements of hydraulic conductivity, if known. This addition was made in response to a comment suggesting the rule be modified to allow use of site-specific information for this purpose when available.

6. Changes to Definitions

The term surficial ground water was re-named shallow ground water and was changed to be consistent with current EPA usage.

EPA has added the term non-aqueous phase liquid (NAPL) to the definition section. EPA added consideration of the identification of concentrations of hazardous substances high enough to indicate the presence of NAPLs in the subsurface during a site inspection to the assignment of degradation factor values and the weighting of targets in the ASC. The presence of NAPLs in the subsurface demonstrates the hazardous substances will be present at high concentrations for a significant time period at that location and the high concentration is not a transient situation.

B. Summary of Updates to the HRS (Sections 2, 5, 6, and 7)

1. Addition of an SsI Component to the HRS (Sections 2, 5, and 7)

a. The addition of a subsurface intrusion component is added to the 1990 Soil Exposure pathway as section 5.2 in Chapter 5 of the 2016 Revised HRS. The new pathway name is the soil exposure and subsurface intrusion pathway. The existing method for evaluating the soil exposure threat will remain unchanged.

b. Chapter 2: Evaluations Common to All Pathways is updated to reflect the addition of the subsurface intrusion component to the renamed the soil exposure and subsurface intrusion pathway. The evaluations for the migration pathways and the soil exposure component remain unchanged. A parallel structure was added for the subsurface intrusion component.

c. Chapter 7: Sites Containing Radioactive Substances is updated to reflect how radioactive substances are evaluated using the added subsurface intrusion component.

2. Terminology Updates Affecting Specific Sections of the HRS (Sections 2, 5 & 6)

The following terms are updated to reflect current terminology and procedures used by EPA in performing risk assessments.

a. Ambient Water Quality Criteria: Ambient Water Quality Criteria (AWQC) are now identified also as National Recommended Water Quality Criteria (NRWQC). In addition, the acute AWQC are now identified as the Criterion Maximum Concentration (CMC) and the chronic criteria are referred to as the Criterion Continuous Concentration (CCC). (See section 1.1 of the HRS.) These criteria are used to determine the level of threat to environmental targets.

b. Reference Concentrations: For inhalation exposures, EPA is adopting the use of Reference Concentrations (RfCs) instead of Reference Doses (RfDs) when determining non-cancer-related risk levels. RfCs are used in determining the level of threat to human targets due to possible inhalation and when determining the toxicity of the substances.

c. Cancer Unit Risk: For inhalation exposures, EPA is adopting the use of Inhalation Unit Risk (IUR) instead of cancer slope factors in determining cancer-related risk levels. IURs are used in determining the level of threat to human targets due to possible inhalation and when determining the toxicity of the substances.

d. Weight-of-Evidence Groupings: The 2005 EPA weight-of-evidence groupings supporting the designation of a substance as a human carcinogen have been incorporated into the HRS algorithm for assigning the toxicity factor value. (The former EPA weight-of-evidence categories included as part of the 1990 HRS have been retained as EPA has not yet completed assigning all substances to the revised categories and are doing so at the time the EPA substance literature reviews are updated.)

V. Discussion of Major Comments

Comments on the Proposed Rule were received from 15 organizations/individuals. The commenters included state and federal agencies, industry associations, community groups, consultants, and private citizens. This section discusses the major issues raised by commenters, which are summarized, and EPA's summary of responses. In addition, EPA solicited and received input from commenters on three technical questions posed in the Preamble to the Proposed Rule.

A support document, Response to Comments on the 2016 Revisions to the Hazard Ranking System (HRS), that includes all issues raised during the public comment period, comments received on the questions posed in the preamble to the proposed rule and EPA's more comprehensive response to each issue, is available in the docket for this rulemaking.

A. Responses to Comments on EPA Questions Posed in the Proposed Rule

Question 1: Is there a way to determine the presence and extent of biologically active soil at a site during a limited site investigation? If so, what soil characteristics should EPA consider to determine whether biologically active soil is documented to be present?

EPA received multiple comments in response to this question. One commenter suggested that this activity is beyond the scope of the site assessment process, while another commenter suggested that EPA consider measuring specific compounds or other factors reflecting biological activity when conducting soil vapor analysis. A third commenter remarked that half-lives faster than 100 days are presumably due to aerobic biodegradation and that most vadose zone soils that are not grossly impacted are considered biologically active. A commenter also suggested using soil characteristics reflected in soil surveys to reflect the possibility that biologically active soil could be present. No commenter suggested practical methods to determine site-specific biological activity throughout a site or over time.

The HRS SsI addition was revised to clarify the assumption of the presence of biologically soil in evaluating the degradation factor unless evidence indicates otherwise (see section 5.2.1.2.1.2 of the HRS).

Question 2: How could EPA further take into account the difference in dilution and air exchange rates in large industrial buildings as compared to smaller residential and commercial structures when calculating the hazardous waste quantity for the HRS SsI Addition?

EPA received multiple comments in response to this question. One commenter suggested developing intrusion screening values based on exposure scenarios for "most sensitive individual" and "industrial" models. One commenter indicated that there is not a dependable way to account for the differences between large commercial/industrial structures and smaller residential/commercial structures. Another commenter noted that there are several parameters (*e.g.*, building energy efficiency) that would impact the differences in dilution and air exchange rates and which are generally unavailable during an initial assessment. A commenter discussed developing a sliding scale based on the size of the building and the building's general use to account for the differences in contaminant clearance rates.

EPA did not make any changes to the final rule based on the comments received as the type of information requested in these responses is generally not available during a typical site inspection. The HRS has also been designed so that it can be applied consistently to a wide variety of sites. The HRS is not a tool for conducting quantitative risk assessment and was designed to be a measure of relative risk among sites rather than absolute site-specific risk.

Question 3: The HRS SsI addition considers source strength in delineating ASCs and AOEs, in scoring in likelihood of exposure, in assigning waste quantity specifically when estimating hazardous constituent quantity and in weighting targets in an ASC. The HRS algorithm for all pathways incorporates the consideration of source strength in determining an HRS site score. Could EPA further take into account source strength in performing an HRS evaluation?

EPA received multiple comments in response to this question. One commenter suggested that EPA assign a higher score when the contaminant concentration is high (*e.g.*, when a non-aqueous phase liquid is present) to account for source strength. Comments were also received that reflected the difficulty of accessing large low concentration sources and how to account for that in considering source strength. Another commenter remarked that there may be a large ground water plume without a discrete source that would cause an increased risk of vapor intrusion; and that a large diffuse source is different from having a concentrated discrete source. One commenter provided a copy of the proposed rule with their suggested edits reflecting the evaluation of source strength in assigning HRS specific factors.

The assignment of a degradation factor value (see section 5.2.1.2.1.2 of the HRS) and the weighting factors for targets in an area of subsurface contamination (see Table 5–21 of the HRS) were revised to include consideration of source strength; specifically in the situation where NAPLs are present.

B. Major Comment Theme Summaries and Responses

Statutory Authority and Rationale for the Proposed HRS Addition

Justification for Revising the HRS

EPA received comments suggesting that sufficient justification or rationale for the need to revise the HRS has not been provided and that a revision to the HRS is unnecessary because the 1990 HRS adequately evaluates the relative risk posed by a site and identifies those priority sites for further investigation.

The rationale for revising the HRS to add a subsurface intrusion component is EPA's statutory authority. Specifically, CERCLA 105(a)(8)(A), requires EPA to amend the HRS "to assure to the maximum extent feasible, that the HRS accurately assess the relative degree of risk to human health and the environment posed by sites and facilities subject to review." Contamination due to subsurface intrusion is a known risk to human health and the ability to evaluate those risks is consistent with the CERCLA 105 mandate. The 1990 HRS did not evaluate the risk posed by subsurface intrusion when evaluating sites for the NPL. As part of the development of this rule, EPA identified high priority sites with significant contamination due to SsI that could not be evaluated using the 1990 HRS for possible placement on the NPL. With the addition of the SsI component to the HRS, sites can now be evaluated more comprehensively to consider the relative risk posed by a site.

Priority for Drinking Water Sites

EPA received comments suggesting that the proposed HRS SsI addition conflicts with CERCLA's statutory mandate regarding prioritizing drinking water sites.

The revision to the HRS to add a subsurface intrusion component is not in conflict with the CERCLA 105 mandate to prioritize drinking water sites. The priority given by EPA under CERCLA to sites with a high risk of populations exposed to hazardous substances in drinking water has not decreased with the addition of a subsurface intrusion component to the HRS. In fact, the score for some sites with contaminated drinking water supplies may increase because sites with contaminated drinking water may also be associated with subsurface intrusion contamination and the combination of the ground water migration pathway score and the SsI component score may increase the overall site score. Furthermore, EPA notes that drinking water is a priority identified by CERCLA, but it is not the only priority identified in CERCLA 105, which also mandates the prioritization of dangers of direct human contact, for which SsI is one example.

The addition of the SsI component does not change the priority given to drinking water sites. It does not change the scoring of contaminated drinking water supplies under the HRS, reduce in anyway the overall HRS score for any site based on drinking water contamination (or any other threat due to exposure to released hazardous substances in the HRS), or change the site score of 28.50 being the HRS score that qualifies sites for placement on the NPL. If a site qualifies for placement on the NPL based on its HRS score reflecting drinking water contamination prior to the addition of the SsI component, it will continue to do so. Adding an evaluation of the SsI component can only increase an overall site score. The algorithm used to combine pathways scores to obtain an overall site score results in an increase in the overall site score with the evaluation of additional pathways, components and threats scored. In fact, the SsI addition may raise the overall site score at some sites with ground water drinking water contamination from below the 28.50 cut-off score to above it. This may occur because, as stated above, a site's HRS score can increase with the scoring of additional threats. Sites with ground water contaminated by volatile substances and used for drinking water are also sites at which the ground water contamination may volatilize and intrude into overlying regularly occupied structures. Thus, a site at which ground water contamination has occurred but does not have an HRS score above 28.50 based only on the ground water threat, may have an overall HRS site score above 28.50 based on the combination of the scores for the contaminated drinking water and SsI threats.

Furthermore, EPA notes that CERCLA 118 refers to CERCLA sections104 and 108, which address activities that occur pre- or post-NPL-listing, and not to the section of CERCLA that addresses site ranking using the HRS, which is addressed in CERCLA section 105. CERCLA Section 105 and specifically 105(a)(8)(A) requires EPA to prioritize sites based on "the population at risk, the hazard potential of hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact [and] the potential for destruction of sensitive ecosystems." Since subsurface intrusion contamination is a direct human contact threat, the addition of a subsurface intrusion component, which addresses this threat, is mandated by CERCLA.

Resource Impacts of the Proposed HRS Addition

Increased Cost and Level of Effort

EPA received comments suggesting that contrary to EPA's suggestion that the HRS SsI addition may not result in more site assessments per year and only minimal cost increases, commenters claimed that there will be substantial increases in cost and level of effort for states and federal agencies, due to the complexity in assessing subsurface intrusion sites.

EPA acknowledges that in some cases the scope of a typical site inspection (SI) may need to be expanded to collect the information necessary to evaluate the SsI threat present at a site. EPA also acknowledges that sites that did not qualify previously for the NPL, may now do so. The number of samples and level of effort required to evaluate a site using the 1990 HRS pathways or components already varies on a site-by-site basis depending on the size and extent of contamination at the site. Therefore, it cannot be predicted with certainty that there will be an overall increase in cost or level of effort for any particular site due to the HRS SsI addition. However, the overall budget for performing site assessments per year is not expected to change significantly. EPA's budget for site assessment is dependent on Congressional appropriation and EPA does not expect the rulemaking to impact the appropriation. EPA's budget for site assessment has remained relatively constant for the last several years. Hence, EPA expects that the allocation of available resources may be changed to reflect this rulemaking but will continue to be optimized by EPA, its state and tribal partners, and with other federal agencies to evaluate priority sites. However, the number of site assessments or NPL proposals conducted each year will not significantly increase.

Potential Limitations With Implementing the HRS SsI Addition

Scope of Site Inspection

EPA received comments stating that the type and amount of information available for collection during a time-limited site inspection would be insufficient to properly evaluate a site using the HRS SsI addition and would be beyond the scope of site evaluations typically conducted at the preliminary assessment or site inspection stage.

During development of the HRS SsI addition EPA considered the type of information that could be collected during a time-limited site inspection when selecting the factors to include in an evaluation of the subsurface intrusion component. The purpose of the site inspection (NCP 300.420(c)) is to determine if a release of a hazardous substance poses an actual or potential threat to human health or the environment, to determine if there is an immediate threat to people or the environment, and to collect sufficient data to enable the site to be scored using the HRS. EPA also notes that neither the NCP nor the HRS requires a certain number of samples be collected during an SI, because the number of samples required to evaluate a site varies on a site-by-site basis and the possible risk pathways being evaluated. However, to properly evaluate the subsurface intrusion component, additional information may be required beyond that collected during a typical current site inspection may be required; this is consistent with the need to collect data on the threat posed by a different pathway. In these instances, as stated in EPA's Guidance for Performing Site Inspections under CERCLA (September 1992), an expanded site inspection (ESI) may be required. The objective of the ESI is to collect data that was not collected during an initial site inspection. Furthermore, EPA found that information required for an SsI evaluation was available based on a pilot study which included several candidate NPL sites. The pilot study was performed in part to demonstrate the availability of the necessary data from screening level investigations. Therefore, EPA considers that the information required to properly evaluate the subsurface intrusion component can be obtained during the site assessment process.

Need for Guidance

EPA received comments questioning or requesting additional information or guidance regarding the type and amount of data to collect, data collection methods, and how to apply the subsurface intrusion component to a site. Commenters also suggested it was difficult to properly evaluate and comment on the proposed HRS SsI addition without a thorough understanding of how the SsI component would be implemented and that promulgation should be delayed until guidance is developed.

The HRS does not provide prescriptive methods for performing site investigations for any HRS pathway evaluation because the methods used during the collection and analysis of environmental samples depend on site conditions and could not be written to cover all possible situations and could also become outdated in the future. Additionally, it is outside the scope of the HRS to identify and describe methods for conducting a subsurface intrusion screening for HRS purposes. The sampling and data collection information in the EPA OSWER VI Guide, (particularly in section 6 of the guide) are an appropriate resource for gathering data for HRS purposes. For example, Section 6.4 of the guide identifies basic principles, methods and procedures for indoor air sampling. In addition, states, federal agencies, and private contractors have considerable experience in VI investigations and collecting VI-related data. Guidance on implementation of the proposed SsI addition is not necessary for evaluating the SsI component, which is a scoring mechanism not procedures for data collection. Any guidance developed will provide details on collecting data to support an HRS SsI evaluation. EPA also notes that to delay addressing sites that may pose a significant human health risk until all necessary guidance documents have been developed would not be consistent with EPA's mandate to protect human health. Therefore, EPA does not agree that promulgation of the HRS SsI addition needs to be delayed until guidance documents related to its implementation have been developed.

Roles of the HRS SsI Addition and the 2015 OSWER VI Guide

EPA received comments suggesting that the HRS SsI addition is not consistent with the VI Guide, published in June 2015 and will create confusion when evaluating sites for SsI.

The VI Guide and HRS SsI rule work in concert to establish national consistency in the evaluation of SsI threats. The HRS SsI addition and the OSWER VI Guide both address the threat posed by vapor intrusion and use the same principles, sampling procedures and concepts to characterize the threat posed by vapor intrusion as the sites. However, the HRS SsI addition and the OSWER VI Guide serve different purposes and support different phases of EPA's site remediation process with different data quality requirements and different enabling legislations.

The purpose of the OSWER VI Guide is to guide the investigation and assessment of the threat posed by vapor intrusion into structures from all sources under all Office of Land and Emergency Management (OLEM, formerly OSWER) programs, particularly actions taken under CERCLA and RCRA. This guidance is used to support decisions by EPA on whether vapor intrusion is posing an unacceptable risk to human health based on sufficient site specific data. It contains principles for making such a decision, as well as procedures and guidance for collecting the information necessary to make these decisions.

The HRS and the SsI addition is part of the NCP, (the regulations implementing CERCLA) required by CERCLA to identify priority sites for further investigation based on screening level information (Such sites are identified for the public by placing the sites on the NPL, a separate rulemaking process). This prioritization is based on the possible cumulative relative risk amongst all candidate sites posed by releases of hazardous substances to human health and the environment by either migration to receptors or by direct contact with the contamination, such as by subsurface intrusion. The HRS is only a method for assigning a relative score to candidate sites. It is not a method for determining site specific risk. The HRS SsI addition is not guidance. The HRS SsI addition does not address such subjects as data collection and sampling procedures: Many of the procedures and many of the guidelines in the OSWER VI Guide are also applicable for HRS purposes if they can be implemented as part of a screening level assessment.

Given that the purposes for the two documents are considerably different and based on different levels of information, it is not an issue that decision criteria are different in the two documents. It is certainly possible that, based on an HRS evaluation, EPA may determine a site warrants further investigation, and that after further investigation is performed EPA may decide no remediation is necessary. However until further information is collected during a remedial investigation, such an outcome cannot be predicted. Furthermore, such a situation is not an indication the results of the HRS evaluation was incorrect.

Application of HRS SsI Component

Inferring Contamination

EPA received comments suggesting that by inferring contamination between sampling locations, the extent of the risk is overstated. The commenters considered identifying targets as actually or potentially exposed based on inference to inflate the HRS site score. It was also suggested that this method conflicts with the other HRS pathways.

The HRS is not a quantitative risk assessment. Instead, the HRS SsI addition score reflects the possible threat posed by subsurface intrusion at one site relative to other sites. By inferring contamination in an AOE or an ASC between sampling locations, it is not assumed that all populations within the two areas are exposed to contamination from the subsurface. Inferring contamination also allows sites with large populations within the two areas to be ranked higher than sites with smaller populations. If the HRS scoring required sampling every structure a sufficient number of times to assure that all exposed targets were accounted for, the scope of the sampling effort would be beyond that of a screening tool and more consistent with the scope of a remedial investigation.

Inference of contamination between sampling locations is also assumed in other HRS pathways. The other pathways allow the inference of contamination based on the location of samples documenting the presence of contamination attributable to the site being investigated. For example, in the soil exposure component, inference of contamination is done by drawing AOC boundaries based on sample locations and inferring that those targets associated with the properties within the boundaries are actually exposed.

In the SsI component, unless site-specific information indicates otherwise, when delineating an AOE or an ASC, populations in occupied structures within an AOE are inferred to be actually exposed, and, populations in occupied structures within an ASC are inferred to likely be exposed to contamination.

Purpose of Hazardous Waste Quantity

Commenters noted that as explained in the TSD for the proposed HRS SsI Addition, the hazardous waste quantity factor serves as a surrogate for the contaminant dose that populations may be exposed to. Commenters asserted that the hazardous waste quantity factor is not adequately reflective of this dose to be used as a surrogate.

The commenters appear to be confusing consideration of waste quantity as a surrogate for dose in an HRS evaluation with the calculation of a site-specific risk level based on the ratio of waste quantity to receptors. EPA is not projecting a specific risk level based on the waste quantity alone when it performs an HRS evaluation. Other HRS factors such as the population associated with the structures, the probability of a release into the occupied structures, the possibility of degradation, and the toxicity of the substances are also considered.

The decision to include waste quantity as a surrogate for dose in all pathways and components in the HRS algorithm was made when the HRS was last revised in 1990 (see Section V.3 of the proposed 1988 HRS, 53 FR 51692, December 23, 1988; Section III.C of the 1990 HRS, 55 FR 51542, December 14, 1990). The decision was based on the concept that determining an accurate dose that receptors would be exposed to was beyond the scope of information available after a site inspection. It is not possible to accurately predict the hazardous substance concentration that receptors would be exposed to over a representative exposure period based on information collected during a site inspection due to the variability in exposure levels over time and space. Instead, hazardous waste quantity is used as a surrogate for dose in the sense that the quantity of the hazardous substances is at least qualitatively correlated to the magnitude of the exposure. If there is no waste quantity, there will be no exposure; as the waste quantity increases, the greater the possibility of exposure to hazardous substances that a receptor may come in contact with. EPA agrees this is not a perfect correlation, and has built into the HRS four order of magnitude ranges for assigning factor values that reflect the imperfection of this correlation.

In addition, the inclusion of hazardous waste quantity in the subsurface intrusion component is consistent with its inclusion in all the other existing HRS pathway evaluations and is consistent with the goal that the scoring of the new component not impact the balance built into overall HRS site scoring algorithm among the HRS pathways.

Furthermore, for determining waste quantity for the SsI component, EPA made a specific alteration to how waste quantity is calculated as compared to other HRS pathway. EPA decided to only include the amount of hazardous substance that actually enters into or that could enter into occupied structures, not the total amount in the release to the environment, based on the rationale that at least some of the original release in the subsurface would vent directly to the atmosphere. Therefore only the amount of hazardous substances that has entered into occupied structures or the amount located under structures is reflected in the estimate. This was achieved by not estimating the waste quantity based on the area or the volume of the contaminated media in the subsurface, but instead on the volume of the structures, or the basal area if the volume cannot be determined.

Finally, no comments were received that provided a viable alternative to the proposed method of estimating hazardous waste quantity. Commenters stated the amount of exposure was overestimated for large buildings because in general larger buildings have lower air exchange rates and suggested that this consideration be built into the estimation methods for all structures. However, the commenters did not present data to document this generality nor suggest how to determine the air exchange rate for all structures if it is not provided by the building owner. EPA notes that if air exchange rates are available, the present estimation method (which has not changed since proposal) allows for a hazardous waste quantity estimate using that information (see, HRS section 5.2.1.2.2 Tier B, hazardous wastestream quantity).

While some commenters suggested procedures for determining a more accurate hazardous waste quantity for specific situations they did not suggest how the hazardous waste quantity calculated for these situations could be relatively ranked against sites where equivalent information was not available. When developing a hazardous waste quantity factor in 1988, EPA performed studies that showed this level of information was not available at all sites, and was not likely to be collectible during a limited screening assessment. Therefore, EPA considers it inappropriate to incorporate the suggested procedures into the HRS.

In addition, EPA proposed the present hazardous waste quantity estimation process as part of the revision of the HRS in 1988. At that time EPA requested the Science Advisory Board's (SAB's) assistance on the use of concentration data in determining the hazardous waste quantity factor as part of the overall SAB peer review of the HRS changes. The current method for use of concentration data in determining the hazardous waste quantity factor is based on the SAB's recommendation.

Establishment of Attribution

Commenters noted that establishing that indoor air contamination is attributable to subsurface intrusion will be very complex to demonstrate given all other possible origins of the indoor contamination (*e.g.*, outdoor air, consumer products).

The HRS SsI addition, just as in other HRS pathways and components, does not require absolute proof that the significant increase in indoor contaminant concentrations is due to subsurface intrusion. It only requires at least part of the significant increase be attributable to subsurface intrusion. EPA expects to use multiple lines-of-evidence in meeting the attribution requirement as discussed in various comments. The VI Guide outlines use of multiple lines-of-evidence and provides guidance on how to distinguish subsurface intrusion from other sources of vapor intrusion. As is done for other HRS pathways and components, the HRS standard for establishing attribution is to establish a reasoned explanation that is not shown to be incorrect during public review of placement of a proposed site on the NPL.

Establishing Observed Exposure

EPA received comments suggesting that the criteria for establishing background for the SsI component is too complex given the variability in sampling for SsI and that a significant difference between the background level and release concentration is not an adequate measure for establishing an observed exposure in a regularly occupied structure.

EPA agrees that establishing a background level for indoor air can be difficult. However, it does not mean that the HRS criteria for establishing actual exposure should not be used. Methods for establishing background levels are too site-specific to be discussed in the HRS regulation, which is a scoring methodology. Instead, as occurred after the 1990 HRS was promulgated, criteria for establishing background was refined based on actual experience gained as sites were being scored. EPA expects the same to occur for the HRS SsI component.

Comparison of background levels and indoor air concentrations are used only to establish that the contaminant level in a structure is elevated (*i.e.*, significantly different). This is only the first step in establishing observed exposure. The second step is to attribute at least a part of the significant increase to subsurface intrusion.

The argument that vapor intrusion rates are too variable to justify the use of the same procedure for establishing observed releases or exposures as in other parts of the HRS is invalid. Hazardous substance concentrations are unpredictably variable temporally and spatially for all HRS pathways and SsI variability is no different in that regard. For example, in the surface water migration pathway overland flow threat, the hazardous substance may only be entering surface water via runoff due to rain events. No runoff occurs if it is not raining. The amount entering surface water in this situation has been shown to vary with the length of time between rains, which impacts the amount of material deposited and available for entrainment into the runoff. Runoff also varies with the portion of each rain cycle whether the sample is collected at the beginning, middle or end of a rain event. At the beginning of a rain event all erodible materials are present and available. During the middle or during a high intensity period of rain, the force of the rain drops can dislodge and entrain hazardous substances at greater rates that during low intensity periods. At the end of a rain event, it may be that much of the hazardous substances have already been washed away. In continuous air releases, the contaminant concentration can vary by order of magnitudes with distance from the source, with wind direction and wind speed all of which can cause differences in concentrations spatially due to the three dimensionality of the atmosphere, and cannot be predicted or accounted for based on a screening assessment. Even in ground water contamination, the contaminant plume's concentration can vary spatially depending on the rate of ground water movement from the original spill concentrations. It is not possible to account for these factors that can drastically impact the contaminant concentration at a sampling location, based on screening level information.

For example, variation in the occurrence of releases is no greater in the SsI component than would be expected in point-source air releases or spills to surface water.

Degradation

Commenters suggested changes in how the degradation factor value for the subsurface intrusion component is assigned. Other comments dealt with conditions associated with assigning different degradation factor values based on the depth of biologically active soil and the half-lives of individual hazardous substances. In addition, commenters suggested moving the consideration of degradation from the waste characteristics factor category value calculations to the likelihood of exposure factor category value calculations.

After evaluation of the comments, EPA modified the assignment of the degradation factor to simplify the evaluation and to consider the presence of non-aqueous phase liquids (NAPLs); other changes suggested by commenters were not implemented. Some changes were not made because a sufficient rationale was not provided to justify a change. Regarding the placement of the degradation factor in the HRS equation, the consideration of an individual substance's characteristics in the waste characteristics factor category is consistent with other HRS pathways and components. Furthermore, whether the degradation factor is put in the likelihood of release or waste characteristic factor category, the impact of the factor on the score would be similar.

Targets

EPA received comments on the weightings assigned to targets in both the AOE and ASC. Commenters suggested that the weightings reflect the strength of the attribution argument that the significant increase in indoor air concentrations is due to subsurface intrusion and also reflect the concentration of the contaminants in the subsurface.

After consideration of these comments, EPA has changed the weightings of targets in the ASC to reflect the presence of NAPLs (*i.e.*, to reflect contaminant concentrations in the subsurface). EPA did not incorporate any changes into the weightings of targets based on the strength of attribution or concentration of contaminants in the subsurface. Regarding the strength of an attribution argument, the HRS does not recognize gradations of attribution in any other pathway or component and therefore for consistency, will not in this component. EPA notes that with the limited sampling that occurs during an SI, it is not reasonable to project the concentration of contaminants in the subsurface over time or distance.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. This action may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the EO. Any changes made in response to OMB recommendations have been documented in the docket.

EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis, Addition of a Subsurface Intrusion (SsI) Component to the Hazard Ranking System (HRS): Regulatory Impact Analysis is available in the docket for this action.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2050–0095.

This regulatory change will only affect how EPA and organizations performing work on behalf of EPA (state or tribal partners) conduct site assessments and HRS scoring at sites where certain environmental conditions exist. This regulatory change will result in data collection at these types of sites to allow evaluation under the HRS. EPA expects that the total number of site assessments performed and the number of sites added to the NPL per year will not increase, but rather expects that there will be a realignment and reprioritization of its internal resources and state cooperative agreement funding.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This regulatory change enables the HRS evaluation to directly consider human exposure to hazardous substances that enter building structures through subsurface intrusion. This addition to the HRS would not impose direct impacts on any other entities. For additional discussion on this subject, see section 4.9 of the Regulatory Impact Analysis (see the docket for this action).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. EPA's evaluation of a site using the HRS does not impose any costs on a tribe (except those already in a cooperative agreement relationship with EPA). Thus, Executive Order 13175 does not apply to this action.

Although Executive Order 13175 does not apply to this action, EPA consulted with tribal officials through meetings and correspondence, including a letter sent to all federally recognized tribes asking for comment on the "Notice of Opportunity for Public Input" that was published in the **Federal Register** on January 31, 2011 (76 FR 5370), and public listening sessions regarding the decision to proceed with the development of this action. All tribal comments indicated support for this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The site assessment activities affected by this rule are limited in scope and number and rely on existing energy distribution systems. Further, we have concluded that this rule would not significantly expand the energy demand for site assessments, and would not require an entity to conduct any action that would require significant energy use, that would significantly affect energy supply, distribution, or usage. Thus, Executive Order 13211 does not apply to this action.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on, low-income or indigenous populations. The results of this evaluation are contained in section 4.3 (and all subsections) of the Regulatory Impact Analysis for this rulemaking. A copy of the Addition of a Subsurface Intrusion (SsI) Component to the Hazard Ranking System (HRS): Regulatory Impact Analysis is available in the docket for this action.

K. Executive Order 12580—Superfund Implementation

Executive Order 12580, section 1(d), states that revisions to the NCP shall be made in consultation with members of the National Response Team (NRT) prior to publication for notice and comment. Revisions shall also be made in consultation with the Director of the Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission (NRC) to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies. Executive Order 12580 delegates responsibility for revision of the NCP to EPA.

The agency has complied with Executive Order 12580 to the extent that it is related to the addition of a new component to the HRS, through consultation with members of the NRT.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 7, 2016.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Amend Appendix A to Part 300:
■ a. In section 1.1 by:
■ i. Removing the definition heading "Ambient Water Quality Criteria (AWQC) and adding "Ambient Water Quality Criteria (AWQC)/National Recommended Water Quality Criteria", in its place; and removing the text "maximum acute or chronic toxicity" and adding "maximum acute (Criteria Maximum Concentration or CMC) or chronic (Criterion Continuous Concentration or CCC) toxicity," in its place;
■ ii. Adding in alphabetical order the definition "Channelized flow";
■ iii. Revising the definition "Chronic toxicity";
■ iv. Adding in alphabetical order the definition "Crawl space";
■ v. Revising the definitions "Distance weight" and "Half-life";
■ vi. Amending the definition "HRS pathway" by removing the word "soil," and adding "soil exposure and subsurface intrusion," in its place;
■ vii. Adding in alphabetical order the definitions "Indoor air", "Inhalation Unit Risk (IUR)", "Non-Aqueous Phase Liquid (NAPL)", "Preferential subsurface intrusion pathways", and "Reference concentration (RfC)";
■ viii. Revising the definition "Reference dose (RfD)";
■ ix. Adding in alphabetical order the definition "Regularly occupied structures";
■ x. Revising the definition "Screening concentration";
■ xi. Adding in alphabetical order the definition "Shallow ground water";
■ xii. Revising the definition "Slope factor (also referred to as cancer potency factor)";
■ xiii. Adding in alphabetical order the definitions "Soil gas", "Soil porosity"; "Subslab", "Subsurface intrusion", "Unit risk", and "Unsaturated zone"; and
■ xiv. Revising the definition "Weight-of-evidence".
■ b. Revising section 2.0;
■ c. Revising section 5.0;
■ d. In section 6.0 by revising Table 6–14; and
■ e. In section 7.0 by:
■ i. Revising Table 7–1;
■ ii. Under Table 7–1, the second undesignated paragraph, revising the third sentence;
■ iii. Revising sections 7.1, 7.1.1, and 7.1.2; 7.2.1; 7.2.3; 7.2.4; 7.2.5.1, 7.2.5.1.1 through 7.2.5.1.3; 7.2.5.2; 7.2.5.3; 7.3, 7.3.1, and 7.3.2; and
■ iv. Adding section 7.3.3.

The revisions and additions read as follows:

Appendix A to Part 300—Hazard Ranking System

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1.1 Definitions

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Channelized flow: Natural geological or manmade features such as karst, fractures, lava tubes, and utility conduits (*e.g.*, sewer lines), which allow ground water and/or soil gas to move through the subsurface environment more easily.

Chronic toxicity: Measure of toxicological responses that result from repeated exposure to a substance over an extended period of time (typically 3 months or longer). Such responses may persist beyond the exposure or may not appear until much later in time than the exposure. HRS measures of chronic toxicity include Reference Dose (RfD) and Reference Concentration (RfC) values.

* * * * *

Crawl space: The enclosed or semi-enclosed area between a regularly occupied structure's foundation (*e.g.*, pier and beam construction) and the ground surface. Crawl space samples are collected to determine the concentration of hazardous substances in the air beneath a regularly occupied structure.

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Distance weight: Parameter in the HRS air migration pathway, ground water migration pathway, and the soil exposure component of the soil exposure and subsurface intrusion pathway that reduces the point value assigned to targets as their distance increases from the site. *[unitless].*

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Half-life: Length of time required for an initial concentration of a substance to be halved as a result of loss through decay. The HRS considers five decay processes for assigning surface water persistence: Biodegradation, hydrolysis, photolysis, radioactive decay, and volatilization. The HRS considers two decay processes for assigning subsurface intrusion degradation: Biodegradation and hydrolysis.

* * * * *

Indoor air: The air present within a structure.

Inhalation Unit Risk (IUR): The upper-bound excess lifetime cancer risk estimated to result from continuous exposure to an agent (*i.e.*, hazardous substance) at a concentration of 1μg/m^3 in air.

* * * * *

Non-Aqueous Phase Liquid (NAPL): Contaminants and substances that are water-immiscible liquids composed of constituents with varying degrees of water solubility.

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Preferential subsurface intrusion pathways: Subsurface features such as animal burrows, cracks in walls, spaces around utility lines, or drains through which a hazardous substance moves more easily into a regularly occupied structure.

* * * * *

Reference concentration (RfC): An estimate of a continuous inhalation exposure to the human population that is likely to be without an appreciable risk of deleterious effects during a lifetime.

Reference dose (RfD): An estimate of a daily oral exposure to the human population that is likely to be without an appreciable risk of deleterious effects during a lifetime.

Regularly occupied structures: Structures with enclosed air space, where people either reside, attend school or day care, or work on a regular basis, or that were previously occupied but vacated due to a site-related hazardous substance(s). This also includes resource structures (*e.g.*, library, church, tribal structure).

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Screening concentration: Media-specific benchmark concentration for a hazardous substance that is used in the HRS for comparison with the concentration of that hazardous substance in a sample from that media. The screening concentration for a specific hazardous substance corresponds to its reference concentration for inhalation exposures or reference dose for oral exposures, as appropriate, and, if the substance is a human carcinogen with either a weight-of-evidence classification of A, B, or C, or a weight-of-evidence classification of carcinogenic to humans, likely to be carcinogenic to humans or suggestive evidence of carcinogenic potential, to that concentration that corresponds to its 10^{-6} individual lifetime excess cancer risk for inhalation exposures or for oral exposures, as appropriate.

Shallow ground water: The uppermost saturated zone, typically unconfined.

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Slope factor (also referred to as cancer potency factor): Estimate of the probability of response (for example, cancer) per unit intake of a substance over a lifetime. The slope factor is typically used to estimate upper-bound probability of an individual developing cancer as a result of exposure to a particular level of a human carcinogen with either a weight-of-evidence classification of A, B, or C, or a weight-of-evidence classification of carcinogenic to humans, likely to be carcinogenic to humans or having suggestive evidence of carcinogenic potential. [(mg/kg-day)$^{-1}$ for non-radioactive substances and (pCi)$^{-1}$ for radioactive substances].